ENVIRONMENTAL SITE ASSESSMENTS FOR DISPOSAL OF REAL PROPERTY

BLM MANUAL HANDBOOK H-2101-5

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Chapter I - Introduction

A. Policy Implementation

This guidance provides an Environmental Site Assessment (ESA) process to implement the requirements of Section 120 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) found at Title 42, U.S. Code, Sec. 9620, hereafter referred to as CERCLA 120(h); and 40 CFR PART 373-REPORTING HAZARDOUS SUBSTANCE ACTIVITY WHEN SELLING OR TRANSFERRING FEDERAL REAL PROPERTY, hereafter referred to as 40 CFR PART 373.



The requirements of CERCLA 120(h), 40 CFR PART 373, and this guidance, apply to any proposed real property disposal by the Bureau of Land Management (BLM). Real property disposal is the sale, transfer, exchange, patent, lease, withdrawal, removal of restrictions or trust status in which the United States conveys or otherwise disposes of any real property or interest therein. This includes transfer of real property between Department Bureaus and other Departments and agencies of the United States.

Prior to the disposal of any real property, the BLM will determine the likelihood of hazardous substance or petroleum product contamination on the real property. The responsibilities and requirements in this Handbook apply to all real property disposals by the BLM including transfers from the BLM to other Departments and agencies of the United States.

As discussed in subsequent Chapters of this handbook, Environmental Site Assessment Process for Disposals will be similar to the Preacquisition Environmental Site Assessment process described in BLM HANDBOOK H-2101-4.

B. Objectives of the Environmental Site Assessment (ESA)

The Objectives of the ESA are to:

- Identify properties that may be contaminated as early in the disposal process as possible.
- Determine if the requirements for <u>NOTICE</u> relating to storage, release, or disposal of hazardous substances or petroleum products are met and must be included in the conveyance document.
- Ensure compliance with legal requirements for the identification of uncontaminated properties.
- Provide documentation of the property condition at the time of the transaction to establish baseline
 conditions in the event hazardous substances or petroleum products are found or conditions change after
 a property has been conveyed.
- Assist in the development of indemnification, clauses, warrants, and other requirements to be included in the conveyance document to the conveyee.
- Determine the requirements for <u>DISCLOSURE</u> for solid waste, physical hazards, or any other issues that could affect the use of the property.

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Chapter I - Introduction

A. CERCLA and Real Property Disposals

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), enacted in 1980, established broad Federal authority to respond to releases or threats of releases of hazardous substances.

Key provisions of CERCLA include:

- Established broad Federal authority to respond to releases or threats of releases of hazardous substances.
- Required the development of a National Contingency Plan (NCP) to establish procedures and standards for responding to releases of hazardous substances.
- Required development of a ranking system to prioritize waste sites for evaluation and cleanup.
- Promulgated regulations to assess damages for injury to natural resources in quantities exceeding specific limits.
- Required Federal agencies to provide information and certain warranties concerning the presence of hazardous materials to purchasers of Federal lands.

CERCLA was amended in 1986 by the Superfund Amendments and Reauthorization Act (SARA).

Key provisions of SARA include:

- Required establishment of State Emergency Response Commissions (SERC) and emergency planning districts.
- Required development of local emergency response plans.
- Required reporting of hazardous chemical inventories.
- Required completion of toxic chemical release reports.

CERCLA was again amended in 1992 by the Community Environmental Response Facilitation Act (CERFA).

Key provisions of CERFA include:

- Required Federal agencies, in some instances, to identify uncontaminated Federal lands and provide purchasers with documentation that the property is free of hazardous substances and petroleum product contamination.
- Allowed Federal agencies to identify and transfer uncontaminated portions of larger parcels of land while the agency conducts response actions on contaminated portions.
- Clarified the covenant warranting that all response actions have been taken once an approved remedy has been implemented and shown to be operating properly.

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Chapter I - Introduction

In 1997, the CERCLA provisions relating to the transfer of Federal property were amended by the National Defense Authorization Act to authorize, under certain circumstances, the transfer of contaminated Federal property before the completion of required response actions.

CERCLA was again amended in January of 2002 by the Small Business Liability Relief and Brownfields Revitalization Act (The Brownfields Law).

Key provisions of The Brownfields Law include:

- Provided liability relief for small businesses and prospective purchasers of brownfields.
- Exempted from liability, households or businesses that employ less than 100 workers and that dispose of only municipal solid wastes at a site listed on EPA's National Priority List (NPL).
- Defined further the scope of the innocent landowner liability exemption by imposing more specific requirements on innocent landowners.
- Required EPA to promulgate regulations to specify steps that must be taken to meet the requirements of due diligence.
- Provided a liability exemption for contamination that has migrated onto property from off site provided certain conditions are met.
- Suggested that holders of easements may become a responsible party.

B. Liability Under CERCLA

Under CERCLA, a Potentially Responsible Party (PRP) may be held liable for the entire cost of cleaning up a site where there has been a release or threat of a release of a hazardous substance as defined in Section 101(14) of CERCLA and listed in 40 CFR 302.4. A responsible party under Section 107(a) of CERCLA includes the following:

- The current owner or operator of a facility from which there is a release or a threatened release of a hazardous substance.
- Any person who at the time of disposal of the hazardous substances owned or operated any facility at which such hazardous substances were disposed of.
- Any person who arranged for disposal of the hazardous substances.
- Any person who transported the hazardous substances if the person selected the disposal facility.

Liability under CERCLA is strict, joint and several, and retroactive. A PRP may be liable for cleanup costs regardless of fault or negligence, and any PRP may be held liable for the entire cost of cleanup at a site. In addition, a PRP may be liable for releases of hazardous substances prior to CERCLA's enactment in 1980 even if the actions were legal at the time.

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Chapter I - Introduction

It is the responsibility of the BLM to comply with all requirements of CERCLA 120(h) and 40 CFR PART 373 as part of the disposal process. Failure to implement programs to prevent noncompliance may result in civil or criminal liability for the organization or for individuals. Personal liability may result when an individual acts outside the scope of their duties, has the capacity to make timely discovery, has the authority to direct activities of persons who will allow or control pollution, and has the capacity to prevent damage and fails to take action.

C. Petroleum Products

CERCLA liability and subsequent reply responsibilities cover releases and potential releases of hazardous substances. Petroleum products are specifically excluded from the definition of hazardous substances under CERCLA Section 101(14). However, CERCLA 120(h)(4) specifically includes petroleum products in the investigation requirements. In addition, other laws require the cleanup of releases or spills of petroleum products. These authorities include the Resource Conservation and Recovery Act (RCRA), the Oil Pollution Act (OPA) of 1990, the Clean Water Act (CWA), and applicable State and local laws and regulations.

D. Unauthorized Solid Waste Issues

Unauthorized solid waste dump sites that are not given a case file serial number should be identified on lands managed by the BLM proposed for disposal. Authorized solid waste uses will be identified and documented as part of the records search. Solid wastes can be household garbage, tires, appliances, dead animals, abandoned automobiles, and similar items. The primary purpose of this process is to establish a baseline of the property condition at time of conveyance. Negotiations can be made with the conveyee to determine who will complete the removal of the solid wastes. In most cases, solid wastes should be removed prior to conveyance but the conveyee may be willing to accept the property with solid wastes being present. It is BLM Policy that locations of sites should be identified on site maps, a detailed description provided, and photo documentation included in the ESA report.

Solid wastes are regulated under Federal, State, and local laws.

E. Physical Hazards

During the site reconnaissance, physical hazards that could result in future government liability should be identified. Physical hazards are man caused situations such as mine shafts, high walls, unsafe bridges, primitive roads, or similar features where the potential exists for injury or death to visitors on the lands before the disposal is completed. Identification may require the assistance of safety officers, engineers, or others familiar with the type of physical hazards on the property. The BLM may be required to notify the conveyee and negotiate mitigation of the hazard prior to conveyance of title to the property. It is BLM Policy that locations of sites should be identified on site maps, a detailed description provided, and photo documentation included in the ESA report.

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Chapter II - Real Property Disposal Procedures

A. General

Real property disposal is the sale, transfer, exchange, patent, lease, withdrawal, removal of restrictions or trust status in which the United States conveys or otherwise disposes of any real property or interest therein. This includes transfer of real property between Department bureaus and other Departments and agencies of the United States.

Prior to the disposal of any real property, the BLM will determine the likelihood of hazardous substance, petroleum products, other environmental contamination, solid waste issues, or physical hazards on the real property. Coordination between the realty specialist, hazardous materials specialist, and other disciplines should be accomplished when required.

This chapter will describe procedures that integrate the law/CERCLA 120(h), and regulations/40 CFR 40 PART 373, to be utilized by the BLM to dispose of real property. Procedures will be described for different conveyance



situations and the appropriate laws and regulations will be provided along with the policy to implement legal requirements. Situations will include conveyance for the following: Termination of Federal Government Operations (TFGO), Non-TFGO, previously contaminated property, and contaminated property. Procedures will also be described for different types of conveyance to include: non-Potentially Responsible Parties (PRP), PRPs, non-Federal agencies, and Federal Agencies. There are specific requirements in the laws and regulations related to each situation and type of conveyance.

The following discussions will describe which procedures are based on law and regulations and which are based on policy.

B. Conveying Real Property Managed by the BLM: Notice and Disclosure

Notice related to hazardous substances and petroleum products may be required to be made to the conveyee in the conveyance document, pursuant to the CERCLA 120(h) and 40 CFR PART 373, whenever any agency of the United States enters into a contract for the sale or other transfer of real property.

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Notice is required when any of the following conditions are met:

- 1. Any hazardous substance was stored for one year or more:
 - a. In quantities greater than or equal to 1000 kilograms (2205 pounds/five 55-gallon drums) or the hazardous substance's CERCLA reportable quantity found at 40 CFR 302.4, whichever is greater.
 - b. Hazardous substances that are also listed under 40 CFR 261.30 as acutely hazardous wastes when stored in quantities equal to or exceeding 1 kilogram (2.2 pounds).
- 2. There was known to have been a release of hazardous substances in quantities equal to or exceeding substances reportable quantity found at 40 CFR 302.4.
- 3. There was known to have been a disposal of any hazardous substance, regardless of quantity, on the property.

In addition, **notice** will be provided if there is any threat of a release or release of a petroleum product or its derivatives, including aviation fuel and motor oil, excluding *de minimis quantities*, in the case of land that is -or is adjacent to- an uncontaminated TFGO as discussed in Paragraph D and E.2. of this Chapter.

Disclosure will be made by the BLM of any information related to past or current uses of the property that could affect the use of the property. Examples include petroleum product contamination not required by CERCLA, solid waste, physical hazards, and any other items that can affect use of the property.

It is BLM policy to provide **disclosure** of any threat of a release or release of a petroleum product or its derivatives, including aviation fuel and motor oil not required by CERCLA 120(h).

It is BLM policy to provide **disclosure** of solid waste, physical hazards, and other items to the conveyee prior to conveyance of the property.

Disclosures will be made by documentation in the Environmental Site Assessment and by providing a copy of the ESA to the conveyee. Disclosure information is generally not provided in the conveyance document.

The BLM shall conduct an ESA on the real property prior to conveyance to determine if any of the above conditions are present now or have occurred in the past.

C. Examples of Hazardous Substances

Hazardous substances commonly used at present or in the past by the BLM include oil based paints, paint thinners/cleaning solvents, wood treatment chemicals, pesticides (herbicides/fungicides/ insecticides/ rodenticides), fire retardants, explosives, and a multitude of similar products. At any time during the

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Chapter II - Real Property Disposal Procedures

process, if it is suspected or determined that hazardous substances subject to the notice requirements are present now or in the past, the Hazardous Materials Specialist should be contacted. In addition, buildings may contain asbestos, lead, or other materials of concern. Buildings constructed prior to 1978 may contain lead while buildings constructed prior to 1987 may contain asbestos siding, flooring, insulation, or other asbestos containing materials. The Hazardous Materials Specialist should be contacted to assist in the determination.

Hazardous wastes are also routinely illegally abandoned on Public Lands. Examples include drug lab wastes, petroleum products, paint wastes, asbestos containing materials, and numerous other wastes.

A. Termination of Federal Government Operations (TFGO)

CERCLA 120(h) provides different requirements based on whether or not the property to be conveyed involves the TFGO. Because of the different requirements, it is important to understand what constitutes a TFGO, and how to determine which requirements apply.

TFGO applies to facilities owned or operated by the BLM. Examples of facilities include office buildings, fire stations, road maintenance shops, air strips, administrative sites, seed orchards, and similar operations. TFGO requires a Seven Step Process, discussed in Paragraph E.2. of this Chapter, be completed even if it goes from one Federal agency to another. TFGO does not apply to the following:

- Undeveloped lands.
- Property containing timber roads, or utilities/improvements developed by private companies.
- Federal lands on which private entities such as permittees or mining claimants conducted operations.

E. Conveyance of Uncontaminated Property

1. Conveying Real Property - Non-TFGO

If Federal property is determined through the Environmental Site Assessment process to show no evidence of contamination and does not involve a Termination of Federal Government Operations (TFGO), then CERCLA 120(h) does not require any covenants in the conveyance document.

It is BLM policy to include a statement warranting the BLM has followed CERCLA 120(h) requirements as described in 40 CFR PART 373. The following statement shall be included in the conveyance document:

"The lands have been examined in accordance with CERCLA 120(h), 40 CFR PART 373, and BLM Policy. No evidence of hazardous substances, petroleum products, or recognized environmental conditions were found."

Provide disclosure in the Environmental Site Assessment of any petroleum contamination not required by CERCLA 120(h), solid waste, physical hazards or any other conditions that could affect use of the property.

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Chapter II - Real Property Disposal Procedures

2. Conveying Real Property - TFGO

If the property to be conveyed involves the Termination of Federal Government Operations (TFGO), the BLM shall conduct an investigation on the real property to determine or discover the presence or likely presence of a release or threatened release of any hazardous substance or any petroleum product on the real property. The following paragraphs describe procedures:

a. Seven Step Identification Process

The identification process shall consist, at a minimum, of the following steps:

- (1) Detailed search of Federal Government records pertaining to the property.
- (2) Examination of recorded chain of title documents regarding the property.
- (3) Review of aerial photographs that may reflect prior uses of the real property and that are reasonably obtainable through State or local government agencies.
- (4) Completion of a visual inspection of the real property and any buildings, structures, equipment, pipes, pipelines, or other improvements on the real property; and a visual inspection of properties immediately adjacent to the real property.
- (5) Completion of a physical inspection of property adjacent to the real property, to the extent permitted by owners or operators of such property.
- (6) Review of reasonably obtainable Federal, State, and local government records of each adjacent facility where there has been a release of any hazardous substance or any petroleum products or threat of a release of any hazardous substance or petroleum products on the real property.
- (7) Completion of interviews with current or former employees involved in operations on the real property.

It is BLM Policy to provide disclosure related to the storage of hazardous substances or petroleum products even though the amounts stored were below the reportable quantity. This information will be included in the report but will not be included in the conveyance document. Storage may have taken place without a release or disposal occurring. If a release or disposal occurred on the property, procedures described in Conveyance of Contaminated Property will be utilized. In addition, disclosure will be provided in the Environmental Site Assessment of any petroleum contamination not required by CERCLA 120(h), solid waste, physical hazards or any other conditions that could affect use of the property.

b. Actions to be Taken

If no evidence of contamination is found and involves a TFGO, then the BLM must take the following actions:

• Determine the property to be conveyed is uncontaminated by investigating the release or threat of release of hazardous substances or petroleum products.

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Chapter II - Real Property Disposal Procedures

- Obtain concurrence of the finding from either/or Federal Environmental Protection Agency (EPA) for National Priorities List (NPL) Sites or State (non-NPL) Sites at least 6 months before terminating BLM Operations. Refer to Paragraph F. of this Chapter.
- Concurrence by State or EPA c.

If the property to be conveyed involves the Termination of Federal Government Operations (TFGO), concurrence of findings should be obtained. If the site is on the National Priorities List (NPL), the concurrence should be from the EPA. For all other sites, the concurrence will be obtained from the appropriate State Agency. A sample letter is provided as Illustration 2. The letter requesting concurrence should:

- Address location of the property
- Include documentation (Environmental Site Assessment)
- Specify property is uncontaminated
- Ask for concurrence In Accordance With (IAW) Section 120(h)(4)(B) of CERCLA
- In case the concurrence is from a State Official, include a statement that the concurrence is deemed to be obtained if, within 90 days after receiving a request for the concurrence, the State Official has not acted on the request for concurrence.
- d. Conveyance Document Provisions Include the following provisions in the conveyance document:
 - A covenant that any response action or corrective action found to be necessary after the date of such sale or transfer shall be conducted by the United States; and
 - A clause granting the United States access to the property in any case in which a response action or corrective action is found to be necessary after such date at such property, or such access is necessary to carry out a response action or corrective action on adjoining property.
 - It is also BLM policy to include a statement warranting the BLM has followed CERCLA 120(h) requirements as described in 40 CFR PART 373. The following statement shall be included in the conveyance document:
 - "The lands have been examined in accordance with CERCLA 120(h), 40 CFR PART 373, and BLM Policy. No evidence of hazardous substances, petroleum products, or recognized environmental conditions were found."
 - It is BLM policy to include an indemnification language in the conveyance document whereby the grantee agrees to hold harmless the United States from actions taken by grantee on the property after the property is conveyed. An example of an indemnification language is provided as Illustration 1.
- 4. A flow chart showing the previously described procedures is provided in Figure II-1, as follows:

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Figure II-1 ESA and Conveyance Document Requirements

LIKELIHOOD NO HAZARDOUS SUBSTANCE was stored for one year or more, or known to have been released or disposed of on the property.

Conveying Real Property

Chapter II, Paragraph E.1

Preliminary Analysis or Initial Assessment

Provide Disclosure - BLM Policy

Convey Property:

- A. Without Covenants
- B. Include indemnification language BLM Policy
- C. Include Warranty Statement BLM Policy

Reference in Italics refers to the Chapter/Paragraph of Handbook H-2101-5

Termination of Federal Government Operation (TFGO)

Chapter II, Paragraph E. 2.

Phase I Environmental Site Assessment

Complete Seven Part Identification Process

- 1. Search Government Records
- 2. Examine Recorded Chain of Title Documents
- 3. Review Aerial Photographs
- 4. Complete Visual Inspection of Property
- 5. Inspect Adjacent Property
- 6. Review Other Records
- 7. Complete Interviews

Provide Disclosure - BLM Policy

Obtain Concurrence from Administrator or Appropriate State Official

Convey Property with:

- A. Covenant warranting that BLM will take any future response action found to be necessary; and
- B. Clause guaranteeing access to BLM if necessary to undertake a response action.

Include indemnification language and Warranty Statement - BLM Policy

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Chapter II - Real Property Disposal Procedures

F. Conveyance of Contaminated Property

This section will discuss conveyance of contaminated property. Use the following table to determine the Situation and Type of Conveyance, then go to the Paragraph No. listed to determine the correct procedures.

Figure II-2 Situations and Types of Conveyances			
Paragraph No.	Situation	Type of Conveyance	
F. 1.	Termination of Federal Government Operations (TFGO)	Conveyance of a TFGO that was contaminated but cleanup has been accomplished	
F. 2.	Conveying Previously Contaminated Property to a Non-Federal Party NOT a PRP	(1) Conveyance of a Non-TFGO property where Notice Requirements are to be included in the conveyance document <u>AND</u> (2) The property was contaminated but cleanup has been accomplished <u>AND</u> (3) Conveyance is to a Non-Federal Party NOT a PRP	
F. 3.	Conveying Property With Known or Suspected Environmenal Issues to a Non- Federal Party NOT a PRP	(1) Property has known or suspected environmental issues where Notice requirements are to be included in the conveyance document AND (2) Conveyance is to a Non-Federal Party NOT a PRP AND (3) Conveyee is willing to accept the property without completion of cleanup prior to conveyance	
F. 4.	Conveying Contaminate Property to a Non-Federal Party NOT a PRP	(1) Remedial Design Constructed and Operating <u>OR</u> (2) Deferral	
F. 5.	Conveying Contaminated Property to a PRP	(1) Conveyance of property where Notice requirements are to be included in the conveyance document <u>AND</u> (2) Conveyee is the PRP <u>AND</u> (3) Conveyance will be made without completion of cleanup prior to conveyance	

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1. <u>Termination of Federal Government Operations (refer to Paragraph D)</u>

If, during the Environmental Site Assessment process, it is determined that hazardous substances were stored for one year or more, known to have been released or disposed of on the Federal property to be conveyed, the contamination must be cleaned up before the conveyance can take place, unless the property meets the requirements of CERCLA 120(h)(3)(B)/Remedial Design Constructed and Operation or CERCLA 120(h)(3)(C)/Deferral discussed in Paragraph F.3 of this Chapter.

If not, the conveyance document must include the following in the **Notice**:

Figure II-3 Notice Requirements			
CERCLA 120(h)(3)(A)(i)	40 CFR PART 373.3		
Notice of the type and quantity of such hazardous substances	 Name of the Hazardous Substance Chemical Abstracts Services Registry Number Regulatory synonym for the hazardous substance RCRA Hazardous Waste Number Quantity in kilograms and pounds of hazardous substance Obtained from 40 CFR 302.4 and 261.30 		
 Notice of the time at which such storage, release, or disposal took place, and A description of the remedial action taken, if any 	Date(s) that such storage, release, or disposal took place		

The conveyance document must also contain the following covenants:

- All response actions necessary to protect human health and environment, with respect to the hazardous substance remaining on the property, have been taken before the conveyance.
- Any additional response action found to be necessary after the date of such conveyance will be conducted by the United States.
- The United States is granted access to the property to conduct any additional response action found to be necessary after the date of the conveyance.
- Reference CERCLA 120(h)(3)(A) and 40 CFR PART 373.3.

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Chapter II - Real Property Disposal Procedures

• It is BLM policy to include a statement warranting the BLM has followed CERCLA 120(h) requirements as described in 40 CFR PART 373. The following statement shall be included in the conveyance document:

"The lands have been examined in accordance with CERCLA 120(h), 40 CFR PART 373, and BLM Policy. No evidence of hazardous substances, petroleum products, or recognized environmental conditions were found."

• It is also BLM policy to include indemnification language in the conveyance document whereby the conveyee agrees to hold harmless the United States from actions taken by conveyee on the property after the property is conveyed. An example of indemnification language is provided as Illustration 1.

The process for conveying contaminated property at a TFGO is similar to the process for conveying contaminated property to a non-Potentially Responsible Party (PRP). However, the purchaser may be willing to accept the property in its current condition. Situations involving buildings with known or suspected lead, asbestos, or similar materials may be acceptable without any cleanup/removal actions being taken prior to conveyance.

The Environmental Site Assessment, generally a Phase I ESA, should be completed so the known or suspected hazardous substances and/or known petroleum contamination is identified. Negotiations between the BLM and purchaser may be conducted to determine what is acceptable to both parties.

In cases of significant contamination, the BLM should complete cleanup/removal actions prior to conveyance.

Provide disclosure in the Environmental Site Assessment of any petroleum contamination not required by CERCLA 120(h), solid waste, physical hazards or any other conditions that could affect use of the property.

2. Conveying Previously Contaminated Property to a Non-Federal Party NOT a PRP

If, during the Environmental Site Assessment process, it is determined that hazardous substances were stored for one year or more, known to have been released or disposed of on the Federal property to be conveyed, the contamination will be cleaned up before the conveyance can take place, unless the property meets the requirements of CERCLA 120(h)(3)(B)/Remedial Design or CERCLA 120(h)(3)(C)/Deferral.

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If the property does not meet the requirements for Remedial Design or Deferral, the conveyance document must include the following information in the **Notice**:

Figure II-4 Notice Requirements			
CERCLA 120(h)(3)(A)(i)	40 CFR PART 373.3		
Notice of the type and quantity of such hazardous substances	 Name of the Hazardous Substance Chemical Abstracts Services Registry Number Regulatory synonym for the hazardous substance RCRA Hazardous Waste Number Quantity in kilograms and pounds of hazardous substance 		
	• Obtained from 40 CFR 302.4 and 261.30		
Notice of the time at which such storage, release, or disposal took place, and	Date(s) that such storage, release, or disposal took place		
• A description of the remedial action taken, if any			

The conveyance document must also contain the following covenants:

- All response actions necessary to protect human health and environment, with respect to the hazardous substance remaining on the property, have been taken before the conveyance.
- Any additional response action found to be necessary after the date of such conveyance will be conducted by the United States.
- The United States is granted access to the property to conduct any additional response action found to be necessary after the date of the conveyance.
- It is BLM policy to include a statement warranting the BLM has followed CERCLA 120(h) requirements as described in 40 CFR PART 373. The following statement shall be included in the conveyance document:

"The lands have been examined in accordance with CERCLA 120(h), 40 CFR PART 373, and BLM Policy. No evidence of hazardous substances, petroleum products, or recognized environmental conditions were found."

• It is also BLM Policy to include indemnification language in the conveyance document whereby the conveyee agrees to hold harmless the United States from actions taken by the conveyee on the property after the property is conveyed. An example of indemnification language is provided as Illustration 1.

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Provide disclosure in the Environmental Site Assessment of any petroleum contamination not required by CERCLA 120(h), solid waste, physical hazards or any other conditions that could affect use of the property.

3. <u>Conveying Property With Known or Suspected Environmental Issues to a Non-Federal Party Not a PRP</u>

During the Environmental Site Assessment process, environmental issues may be identified on the Federal Property. However, the conveyee may be willing to accept the property in it current condition. Situations involving buildings with lead, asbestos, or similar materials may be acceptable without any cleanup or removal actions being taken prior to conveyance.

The environmental site assessment, generally a Phase I ESA, will be completed to determine if known or suspected hazardous substances and/or petroleum products contamination is present on the property. Negotiations between the BLM and the conveyee can be conducted to determine what is acceptable to both parties.

If hazardous substances were stored for one year or more, released, or disposed of on the property as described in Chapter II, Paragraph B, then Notice must be provided to the conveyee in the conveyance document as follows:

Figure II-5 Notice Requirements			
CERCLA 120(h)(3)(A)(i)	40 CFR PART 373.3		
Notice of the type and quantity of such hazardous substances	 Name of the Hazardous Substance Chemical Abstracts Services Registry Number Regulatory synonym for the hazardous substance RCRA Hazardous Waste Number Quantity in kilograms and pounds of hazardous substance Obtained from 40 CFR 302.4 and 261.30 		
 Notice of the time at which such storage, release, or disposal took place, and A description of the remedial action taken, if any 	Date(s) that such storage, release, or disposal took place		

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Appropriate language to indemnify the government should be developed, reviewed by the solicitor, and included in the conveyance document.

Provide disclosure in the Environmental Site Assessment of any petroleum contamination not required by CERCLA 120(h), solid waste, physical hazards or any other conditions that could affect use of the property.

4. Conveying Contaminated Property to a Non-Federal Party NOT a PRP

Property that is contaminated may be conveyed to a non-Federal party not a potentially responsible party (PRP) through either of two different processes: (1) Remedial Design Constructed and Operating, or (2) Deferral.

These two types of disposal actions are expected to occur infrequently as they are related to large sites, primarily related to military use. The BLM will generally not be involved in disposal of these types of sites but could be involved in acquisition. If either of these types of actions are being considered, management, various staff specialists, and the solicitor should be involved to protect the interests of all parties involved. The two types of disposal actions are:

- a. Remedial Design Constructed and Operating
 - Contaminated property may be conveyed to a non-PRP if a remedial design has been constructed and is operating successfully. Thus, long-term remediation such as pumping and treatment of groundwater does not have to be completed in order for a transfer of property ownership to take place.
 - This process cannot be used to convey property to a PRP.
 - Reference CERCLA 120(h)(3)(B).
- b. Deferral Contaminated property may be conveyed to a non-PRP by a Federal agency prior to the achievement of a successful operational cleanup under the following conditions:
 - Pursuant to 120(h)(3)(C)(i), the Environmental Protection Agency (EPA) Administrator (for real property at a Federal facility that is on the National Priorities List) in concurrence with the Governor of the State in which the facility is located, or the Governor, may defer the cleanup requirement, if the Administrator or Governor determines the following:
 - (1) The property is suitable for the intended use of the transferee, and the intended use is consistent with the protection of human health and the environment;
 - (2) The deed or other instrument proposed to govern the transfer between the United States and the transferee of the property contains adequate assurances (as set forth below);

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- (3) The Federal Agency requesting deferral has provided notice, by publication in a newspaper of general circulation in the vicinity of the property, of the proposed transfer and the opportunity for the public to submit within a period of not less than 30 days after the date of the notice, written comments on the suitability of the property for transfer; and
- (4) The deferral and transfer of the property will not substantially delay the necessary response action at the property.

Pursuant to 120(h)(3)(C)(ii), if the above findings have been made, the transfer can take place only if the deed or other instrument governing the transfer contains the following assurances:

- (1) provide for any necessary restrictions on the use of property to ensure the protection of human health and the environment;
- (2) provide that there will be restrictions on use necessary to ensure that required remedial investigations, response action, and oversight activities will not be disrupted;
- (3) provide that all necessary response action will be taken and identify the schedules for investigation and completion of all necessary response action as approved by the appropriate regulatory agency; and
- (4) provide that the Federal agency responsible for the property subject to transfer will submit a budget request to the Director of the Office of Management and Budget that adequately addresses schedules for investigation and completion of all necessary action, subject to congressional authorizations and appropriations.
- Pursuant to 120(h)(3)(C)(iii), the transferring agency, upon completing the response actions on the transferred property where cleanup had been deferred to execute a warranty certifying that all necessary response action had been taken.
- Note that any such deferral as provided for above does not in any way affect the rights or obligations of the transferring agency with respect to the property.

5. <u>Conveying Contaminated Property to a PRP</u>

Property that is known or suspected to be contaminated with hazardous substances or petroleum products may be conveyed to the Potentially Responsible Party (PRP) without cleanup being accomplished prior to the transfer.

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The conveyance document must still contain a description of the known contamination pursuant to the notice requirements of Sections 120(h)(3)(A)(i), Paragraphs I-III as follows:

- Notice of the type and quantity of the hazardous substances that were stored on the property for more than one year, released on the property, or disposed of on the property.
- Notice of the time at which the storage, release, or disposal took place.
- A description of the response taken.

The conveyance document to the PRP must contain a site specific negotiated language for a response action and a negotiated indemnification language that will indemnify, defend, and hold the United States harmless from any damage, loss, claims, liability, and costs relating to the United States' ownership of the property. Requiring the inclusion of such a clause might hinder the BLM's ability to dispose of certain lands because prospective PRP purchasers would not want to waive their ability to pursue BLM for part of the cleanup cost. It is BLM policy to include site specific negotiated language in the conveyance document. Once again, the Solicitor must be involved in this process.

It is also BLM Policy that contaminated property should not be conveyed to a PRP unless the PRP can demonstrate financial capability to develop and complete remediation at the site. For situations such as trespass, where the PRP is not viable, consultation with the Solicitor and a management decision should be made to dispose of the property or retain in BLM ownership to ensure cleanup is completed. In these situations, the State or Federal regulatory agency may become involved.

Provide disclosure in the Environmental Site Assessment of any petroleum contamination not required by CERCLA 120(h), solid waste, physical hazards or any other conditions that could affect use of the property.

The following, Figure II-6, summarizes the conveyance document and ESA requirements described in the previous paragraphs:

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Figure II-6 **Conveyance Document and ESA Requirements**

LIKELIHOOD HAZARDOUS SUBSTANCE was stored for one year or more,				
		d or disposed of on the p		
		NTAMINATED PROPER	- ·	
Termination of Conveying Conveying Property Conveying				
Federal Government	Previously	With Known or	Contaminated	
	Contaminated			
Operations (TFGO)		Suspected	Property to a PRP	
	Property to a Non-	Environmental Issues		
	Federal Party NOT a	to a Non-Federal Party		
	PRP	NOT a PRP		
(Chapter II,		(Chapter II,	(Chapter II,	
Paragraph F.1.)	(Chapter II,	Paragraph F.3.)	Paragraph F.5.)	
,	Paragraph F.2.)			
Conveyance Document:	Conveyance Document:	Conveyance Document:	Conveyance Document:	
Provide Notice	Provide Notice	Provide Notice (Figure II-4)	Provide Notice	
[CERCLA	[CERCLA	[CERCLA 120(h)(3)(A)(i)]	[CERCLA120(h)(3)(A)(i)]	
120(h)(3)(A)(i)	120(h)(3)(A)(i)	[40 CFR PART 373]	[40 CFR PART 373]	
[40 CFR PART 373]	[40 CFR PART 373]			
Conveyance Document:	Conveyance Document:			
All response actions	All response actions			
necessary to protect	necessary to protect			
human health and	human health and			
environment, with respect	environment, with respect			
to the hazardous	to the hazardous			
substance remaining on	substance remaining on			
the property, have been	the property, have been			
taken before the	taken before the			
conveyance	conveyance			
[120(h)(3)(A)(i)(I-III)]	[120(h)(3)(A)(i)(I-III)]			
Conveyance Document: Any additional response	Conveyance Document: Any additional response			
action found to be	action found to be			
necessary after the date of	necessary after the date of			
such conveyance will be	such conveyance will be			
conducted by the United	conducted by the United			
States	States			
[120(h)(3)(A)(i)(I-III)]	[120(h)(3)(A)(i)(I-III)]			

Table continued on next page.

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LIKELIHOOD HAZARDOUS SUBSTANCE was stored for one year or more,			
or known to have been released or disposed of on the property:			
CONVEYANCE OF CONTAMINATED PROPERTY			
Termination of Federal Government Operations (TFGO)	Conveying Previously Contaminated Property to a Non- Federal Party NOT a PRP	Conveying Property With Known or Suspected Environmental Issues to a Non-Federal Party NOT a PRP	Conveying Contaminated Property to a PRP
(Chapter II, Paragraph F.1.)	(Chapter II, Paragraph F.2.)	(Chapter II, Paragraph F.3.)	(Chapter II, Paragraph F.5.)
Conveyance Document: The United States is granted access to the property to conduct any additional response action found to be necessary after the date of the conveyance [120(h)(3)(A)(i)(I-III)] Conveyance Document: Warranty Statement [BLM Policy]	Conveyance Document: The United States is granted access to the property to conduct any additional response action found to be necessary after the date of the conveyance [120(h)(3)(A)(i)(I-III)] Conveyance Document: Warranty Statement [BLM Policy]		
Conveyance Document: Indemnification Language [BLM Policy]	Conveyance Document: Indemnification Language [BLM Policy]	Conveyance Document: Indemnification Language [BLM Policy]	Conveyance Document: Site specific Indemnification Language [BLM Policy] Conveyance Document: Site specific response action plan
ESA: Provide Disclosure petroleum products, solid waste, physical hazards or any other conditions that could affect use of the property [BLM Policy]	ESA: Provide Disclosure petroleum products, solid waste, physical hazards or any other conditions that could affect use of the property [BLM Policy]	ESA: Provide Disclosure petroleum products, solid waste, physical hazards or any other conditions that could affect use of the property [BLM Policy]	[BLM Policy] ESA: Provide Disclosure petroleum products, solid waste, physical hazards or any other conditions that could affect use of the property [BLM Policy]

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6. Options for Dealing With Conveyance of Contaminated Property

CERCLA 120(h) and 40 CFR PART 373 establish certain requirements for the United States to convey property. However, the BLM has some discretion in the process provided conveyance is made pursuant to all applicable laws, regulations, and policies relating to the conveyance.

When property to be conveyed is known or suspected to be contaminated, the BLM has several options available. These options include:

- Cleanup the property prior to conveyance.
- Drop the parcel or select portions of the parcel from the disposal action.
- Conveyee agrees to cleanup the parcel.
- BLM enters a cleanup agreement with the conveyee where the BLM agrees to cleanup the property after conveyance subject to the appropriation of funding.

The best course of action for the BLM is to cleanup all contamination from a parcel prior to conveyance and include all appropriate language in the conveyance document as discussed in previous sections of this Chapter. However, response actions can be taken by the BLM or the conveyee.

In cases where the conveyee determines that acceptance of the parcel is not acceptable under any circumstances, the parcel or portion of the parcel may be eliminated from the disposal action. This action will not reduce the BLM's liability or need to cleanup the parcel.

The conveyee may be willing to accept title without the BLM doing cleanup prior to conveyance and may agree to complete the cleanup. If the conveyee is willing to accept title and agree to cleanup, the Solicitor must be involved to prepare appropriate indemnification language to protect the interests of the United States and to ensure the cleanup will be accomplished after title has been conveyed. The language must contain time provisions for the accomplishment of the cleanup. In addition, the BLM must ensure the conveyee is financially capable of meeting the agreed upon conditions of the conveyance.

A conveyee may be willing to accept title without cleanup being completed if the BLM agrees to complete cleanup after conveyance pending appropriation of funds to accomplish the cleanup. This would be accomplished with Solicitor review of the process and the language included in the language.

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I	Date
	Date

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G. Conveying Federal Property to Another Federal Agency

If property is being conveyed to another Federal Agency, the BLM is required to provide notice of the storage, release, or disposal of hazardous substances in accordance with Sections 120(h)((3)((A)(I) and 40 CFR PART 373.3. However, the BLM is not required to comply with the covenant requirements of 120(h)((3)((A)(II-III). Cleanup of such property will be governed by the terms of the language between the agencies or statutes authorizing the transfer. The Solicitor should be involved in developing the conveyance document.

H. Indemnification

It is BLM policy to consider indemnification language in disposal actions.

The BLM has found that by using indemnification language similar to that required in R&PP patents of landfills, the United States' position and protection from future liability is enhanced. This language not only covers BLM's potential liability from any future actions based on hazardous substances, it also covers the United States from claims against physical hazards as well. The Office of the Solicitor recognizes that using indemnification language is now a common and best business practice where the United States should be no less vigilant than private parties. The Solicitor should be consulted early in the process.

Indemnification language should be negotiated early in the process and included in the Notice of Realty Action or Notice of Exchange Proposal. The indemnification language may be subject to negotiation of specific language depending on the circumstances. Solicitor review and possibly negotiation is required under the Delegation of Authority (DM 1203) Manual as are certain reviews and/or negotiations required should a CERCLA remedial action or a RCRA corrective action be required. In addition, site specific language may need negotiation if the disposal action is to a State, County or local governmental jurisdiction as they may be limited under their laws, rules, or regulations.

If the land disposal is mandated by legislation, indemnification language should be negotiated and included in the act whenever possible, otherwise negotiation after the fact is more difficult. Indemnification language is still required. Early coordination with the Solicitor and the Washington Office is again critical.

Attached illustrations of a standard indemnification statement (to be used when no contamination, hazardous substances, petroleum products or Recognized Environmental Conditions exist) and other indemnification examples are included in Illustration 1. The attached examples were negotiated and should not be used verbatim without Solicitor concurrence. BLM may want to initiate negotiation parameters more extensive than these examples. In addition, the access requirement in the covenants below must be included per the CERCLA itself.

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Chapter II - Real Property Disposal Procedures

I. Policy Statements

Chapter I and II have provided several BLM policy requirements to implement the regulatory requirements of CERCLA 120(h) and 40 CFR PART 373 while implementing the requirements of the ASTM Standards. The policy requirements are summarized in the following table:

Figure II-7		
BLM Policy Requirements		
		Handbook
Application	Policy Statement	Reference
Solid Waste Issues	It is BLM Policy that locations of sites should be	Chapter I
	identified on site maps, a detailed description	Paragraph F.
	provided, and photo documentation provided in the	
	ESA Report.	
Physical Hazards	It is BLM Policy that locations of sites should be	Chapter I
	identified on site maps, a detailed description	Paragraph G.
	provided, and photo documentation provided in the	
	ESA Report.	C1
Conveying Real Property	It is BLM Policy to provide disclosure of any threat	Chapter II
Managed by the BLM:	of a release or release of a petroleum product or its	Paragraph B.
Notice and Disclosure	derivatives, including aviation fuel and motor oil	
Commercia o Deal Duemento	not required by CERCLA 120(h).	Chamtan II
Conveying Real Property Managed by the BLM:	It is BLM policy to provide disclosure of solid waste, physical hazards, and other items to the	Chapter II Paragraph B.
Notice and Disclosure	conveyee prior to conveyance of the property.	raragrapii b.
Conveying Real Property	It is BLM policy to include a statement warranting	Chapter II.
	the BLM has followed CERCLA 120(h)	Paragraph E.1
Non-TFGO	requirements as described in 40 CFR PART 373.	
Conveying Real Property	It is BLM Policy to provide disclosure related to the	Chapter II
- TFGO	storage of hazardous substances or petroleum	Paragraph
	products even though the amounts stored were	E.2.a.
	below the reportable quantity.	

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Figure II-7			
	BLM Policy Requirements		
Conveying Real Property - TFGO	It is BLM Policy to include a statement warranting the BLM has followed CERCLA 120(h) requirements as described in 40 CFR PART 373.	Chapter II Paragraph E.2.d.	
	It is BLM Policy to include an indemnification language in the conveyance document whereby the conveyee agrees to hold harmless the United States from actions taken by conveyee on the property after the property is conveyed.		
Conveyance of Contaminated Property	It is BLM Policy to include a statement warranting the BLM has followed CERCLA 120(h) requirements as described in 40 CFR PART 373.	Chapter II Paragraph F.1.	
	It is also BLM Policy to include an indemnification language in the conveyance document whereby the conveyee agrees to hold harmless the United States from actions taken by conveyee on the property after the property is conveyed.		
Conveying Previously Contaminated Property to a Non-Federal Party not a PRP	It is BLM Policy to include a statement warranting the BLM has followed CERCLA 120(h) requirements as described in 40 CFR PART 373.	Chapter II Paragraph F.2.	
	It is also BLM Policy to include an indemnification language in the conveyance document whereby the conveyee agrees to hold harmless the United States from actions taken by conveyee on the property after the property is conveyed.		
Conveying Contaminated Property to a PRP	It is BLM Policy to include site specific negotiated indemnification language in the conveyance document.	Chapter II Paragraph F.5	
	It is also BLM Policy that contaminated property should not be conveyed to a PRP unless the PRP can demonstrate financial capability to develop and complete remediation at the site.		
Indemnification	It is BLM policy to consider indemnification language in disposal actions.	Chapter II Paragraph H	

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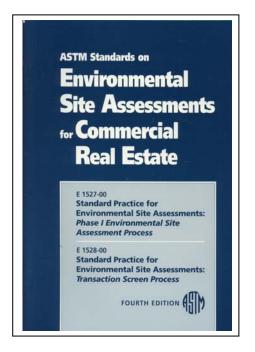
Chapter III - Environmental Assessment Site Process Overview

A. Introduction

The BLM has some discretion in the development of the Environmental Site Assessment process as presented in this Handbook as CERCLA 120(h) does not impose specific requirements for the procedures to be used in assessing sites to be conveyed, except for the following two requirements:

- 120(h)(1) imposes the basic requirement that Federal Agencies wishing to transfer property review whether any hazardous substance was stored for one year or more, or known to have been released, or disposed of on the property.
- 120(h)(4)(A) requires the specific seven-step process prior to the transfer of uncontaminated property where there is a Termination of Federal Government Operations (TFGO).

The American Society for Testing and Materials (ASTM) Standards (E-1527 and E-1528) require the identification of the presence or likely presence of any hazardous substance or petroleum products on the property.



The following process will combine the requirements of CERCLA 120(h), ASTM Standards, and BLM Policy. However, the procedures in this chapter impose the stricter requirements of the ASTM Standards for all property being conveyed by the BLM to a non-Federal party. It is the intent these procedures be used as a guide. Specific situations may require reasonable changes. Coordination between the Realty Specialist, Hazardous Materials Specialist, and other disciplines should be completed when required.

B. Adaptation of ASTM Standards

The BLM will adapt the following American Standard for Testing and Materials (ASTM) standards for completion of Environmental Site Assessments for Real Property Disposals:

- Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process (E-1527)
- Standard Practice for Environmental Site Assessments: Transaction Screen Process (E-1528)
- Standard Guide for Environmental Site Assessments: Phase II Environmental Site Assessment Process (E-1903)

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Chapter III - Environmental Assessment Site Process Overview

The ASTM standards are a minimum acceptable level of effort. The process outlined in this handbook meets the intent of the standards. Additional work beyond the requirements should be done when necessary. Deviations from the standards may be acceptable if documented in the decision process. BLM employees involved in the disposal Environmental Site Assessment process are expected to be familiar with the ASTM standards through available training (BLM or private) and applicable laws, regulations, and policies.

C. Environmental Site Assessment Process Strategy

Environmental Site Assessments may utilize information from other reports as long as the information is current and accurate. Information gathered for these documents can be expanded beyond their scope to include those elements needed to satisfy the requirements of the disposal action.

Both office and field work should, where possible, employ a team approach. The document shall be certified by that member of the group who has the required qualifications. If additional expertise is required, assistance should be requested from a BLM specialist who has the training and experience necessary to complete the assessment. Assistance may also be requested from the National Sciences Technical Center (NSTC) in Denver, technical support contractors, and other agencies.

The Environmental Site Assessment process is a critical step that can directly affect the entire disposal process. It is, therefore, important that BLM Management either approve the finding or choose alternatives within the scope of their authority. Managers also need to understand both the environmental risks and liabilities involved. For this reason, managers must document their reasons if they choose a course of action that deviates from the technical report recommendation. However, the decisions must comply with the requirements of CERCLA 120(h).

Either BLM or the conveyee may choose to use a private consultant to perform some or all of the assessment. However, all assessments must meet ASTM standards and the requirements of this handbook. The Environmental Site Assessments must be reviewed and approved by qualified BLM personnel. Before approving the use of consultants, BLM should review their qualifications and work samples to ensure that they have demonstrated the appropriate knowledge and experience necessary to prepare a report that will meet BLM requirements. Refer to Chapter VIII of this handbook for additional discussion related to the use of consultants.

Some States may require that certified individuals complete ESAs. For example, Nevada requires that ESAs performed on private property be completed by a Certified Environmental Manager. The BLM has agreed to comply with State requirements for ESAs completed on BLM property. Refer to your specific State requirements.

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Chapter III - Environmental Assessment Site Process Overview

D. Environmental Assessment Levels of Analysis

There are five levels of analyses that comprise the Environmental Site Assessment process. Each succeeding level performed further reduces the inherent uncertainties in the evaluation process. The appropriate level at which to begin the process may vary depending on the circumstances. These are the same five levels described in BLM Handbook H-2101-4 with slightly different methods of application.

The **first level** of analysis is the **Preliminary Analysis**. This is a basic level of review that is only appropriate to use when the likelihood of contamination is very low. This level should be used only when the BLM is disposing of an interest in land where there has been no apparent human intrusion on the land that could result in a Recognized Environmental Condition (REC) on the subject property. This level cannot be used for Termination of Federal Government Operations (TFGO).

The **second level** of analysis consists of an **Initial Assessment**. It is a screening level evaluation to determine if a Phase I ESA is needed. An Initial Assessment is used when the likelihood of contamination is low but there is a potential that human intrusion may have resulted in a Recognized Environmental Condition (REC) being present. If the result of the Initial Assessment indicates no contamination on the site, a Phase I ESA is not needed. This level cannot be used for Termination of Federal Government Operations (TFGO).

The **third level** of analysis is the **Phase I ESA**. A Phase I ESA will be performed if either of the following conditions are met:

- The Preliminary Analysis or Initial Assessment indicates there is a potential for contamination or RECs being present on-site; and/or
- The land being proposed for disposal involves a TFGO.

The **fourth level** of analysis is the **Phase II Site Investigation**. If significant potential for contamination from hazardous substances or petroleum products is identified on the site, and proper approvals are obtained, a site investigation will be performed. During this phase, samples will be taken from the site and analyzed to determine the nature and extent of the contamination.

The **fifth level** of analysis is the **Phase III Cleanup.** If the Phase II indicates that hazardous substances or petroleum products are present above regulatory levels or in concentrations that could affect human health or the environment, a cleanup action can be undertaken only after proper approvals have been obtained. A Phase III involves full site characterization and cleanup consistent with the National Contingency Plan (NCP) found at 40 CFR PART 300.

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Chapter III - Environmental Assessment Site Process Overview

The Levels of Analysis and their objectives are as follows:

Phase Objective

Preliminary Analysis Provide a quick determination if an Initial Assessment or Phase I ESA

is required.

Initial Assessment

ESA (Phase I)

Determine if a Phase I ESA is necessary.

Identify RECs in connection with the property.

Identify the nature/and extent of the contamination.

Cleanup (Phase III) Site characterization and cleanup.

E. Level of Analysis Selection Criteria

Figure III-1 summarizes the criteria for selecting the Appropriate Level of Analysis:

	Figure III-1		
Levels of Analysis/Selection Criteria			
Level of Analysis	Selection Criteria	Property Condition	
Preliminary Analysis	1. Disposal of Uncontaminated Property	Uncontaminated	
	2. Likelihood of contamination is low	Non-TFGO	
	3. No apparent human intrusion that could have resulted in a REC*		
	4. Cannot be used for TFGO**		
Initial Assessment	1. Disposal of Uncontaminated Property	Uncontaminated	
	2. Likelihood of contamination is low	Non-TFGO	
	3. Potential for human intrusion that could		
	result in REC*		
	4. Cannot be used for TFGO**		
Phase I ESA	1. Disposal of Uncontaminated	Uncontaminated TFGO	
	Property/Contaminated Property	Contaminated TFGO	
	2. Known or suspected REC* identified on	Contaminated Non-PRP***	
	the property	Contaminated PRP***	
	3. Must be used for TFGO**		
Phase II Site	1. Disposal of Known/Suspected	Contaminated	
Investigation	Contaminated Property		
	2. Verify findings of Phase I		
	3. Intrusive study of soil and groundwater		
Phase III Cleanup	1. Disposal of Contaminated Property	Contaminated	
	2. Fully characterize the vertical and lateral		
	extent of contamination		
	3. Identify and implement the most		
	appropriate cleanup activities		

^{*} Recognized Environmental Condition

***Potentially Responsible Party

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^{**}Termination of Federal Government Operations

Chapter III - Environmental Assessment Site Process Overview

F. Multiple Parcel Disposals

Multiple parcel disposals may be completed and documented in a single report.

Information that is parcel specific should be described separately. For example, each parcel should be listed in the description of real estate and site reconnaissance.

Information that is generic and applies to all parcels need not be described separately. For example, if record searches do not reveal any evidence of RECs on any of the parcels, it would be appropriate to lump the parcels into a single descriptive sentence/paragraph/section.

This process would also provide for a mechanism to eliminate specific parcels from a proposed disposal if RECs were discovered on a parcel. A Preliminary Analysis or Initial Assessment should be completed on uncontaminated parcels. A Phase I ESA would be required on parcels with known or suspected contamination. If some parcels are determined to be contaminated, a decision can be made to convey as is, defer until cleanup completed, or retain in BLM ownership.

G. Qualifications

The approving official/manager who signs a disposal document is responsible for ensuring that the training qualifications shown on Figure III-2 are completed by employees completing the documents.

The disposal document must be conducted and reviewed by a qualified individual as shown on Figure III-2, Training Qualifications, which identifies the minimum training required to perform different levels of investigation.

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Figure III-2 Training Qualifications			
Level of Preacquisition ESA	Required Training to Conduct	Reviewer	Approving Official
Preliminary Analysis	First Responder Awareness* 8 Hours Acquisition**/*** 4 Hours Disposal**/*** 12 Hours Total**/***	1703-13	IAW BLM Manual 1203 - Delegation of Authority
Initial Assessment	First Responder Awareness* 16 Hours Acquisition**/*** 4 Hours Disposal**/*** 20 Hours Total**/***	1703-13	Manual 1203
Phase I ESA	NTC Course 1703-13	NTC Courses 1703-01 1703-05 1703-02 1703-07/11 1703-03 1703-13 1703-04 COR/PI Course/Refresher****	Manual 1203
Phase II Site Investigation	NTC Courses 1703-01 1703-05 1703-02 1703-07/11 1703-03 1703-13 1703-04 COR/PI Course/Refresher****	NTC Courses 1703-01 1703-05 1703-02 1703-07/11 1703-03 1703-13 1703-04 COR/PI Course/Refresher****	Manual 1203
Phase III Cleanup	NTC Courses 1703-01 1703-05 1703-02 1703-07/11 1703-03 1703-13 1703-04 COR/PI Course/Refresher****	NTC Courses 1703-01 1703-05 1703-02 1703-07/11 1703-03 1703-13 1703-04 COR/PI Course/Refresher****	Manual 1203

Legend:

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^{*} First Responder Awareness Training as described in 29 CFR 1910.120

^{**} State specific training to be developed and/or approved by State Director

^{***} Or equivalent training

^{****} Contracting Officer Representative/Project Inspector

Chapter III - Environmental Assessment Site Process Overview

Figure III-3 BLM National Training Center (NTC) Courses Applicable to Disposal Actions		
1703-01	Introduction to Environmental Compliance and Pollution Prevention	
1703-02	Emergency Response/Removal Actions and Emergency Preparedness	
1703-03	Environmental Site Characterization	
1703-04	Environmental Service Contracting	
1703-05	Federal Facility Compliance	
1703-07/11	Hazard Recognition/Chemical Management	
1703-08	Writing Statements of Work	
1703-13	Environmental Site Assessments	

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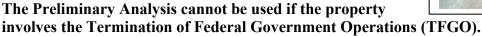
CHAPTER IV - PRELIMINARY ANALYSIS

A. Significance and Use

The Preliminary Analysis is a simplified process that may be used only when there is little likelihood that a property has been impacted by hazardous substances and/or petroleum products.

The preliminary analysis may only be used where:

- There has been no apparent human intrusion on the property that could have resulted in an REC being present on the property.
- The likelihood of contamination is low.
- Uncontaminated property.
- Sites where minimal cleanup was required and completed.



The Preliminary Analysis consists of the following actions:

Conduct a limited records and historical source review:

Records to be reviewed will depend on the location, and past and current uses. For example, environmental records are generally not available for rural isolated areas. If the investigator has reason to believe records may be available, a records review should be conducted. Historical sources to be reviewed should include, at a minimum, the most recent aerial photograph.

If a minimal cleanup was completed, it should be documented in the report.

• Observe site conditions.

A field review shall be conducted for all disposals. Emphasis should be placed on areas of potential contamination such as landings, spur roads, and areas accessible by vehicles.

The adjacent and surrounding areas should also be inspected.

• Use of a Contaminant Survey Questionnaire and/or interviews is optional.

Chapter IV - Preliminary Analysis

For isolated tracts in remote locations, a Contaminant Survey Questionnaire or interviews would normally not be required.

An interview might be conducted for purposes such as verifying observations or to gain information about the subject property or adjoining land.

• A blank Preliminary Analysis Checklist is provided as Illustration 3.

B. Findings and Conclusions

Upon completion of the Preliminary Analysis, the report should summarize the findings and provide one of the following recommendations:

- No evidence of hazardous substances, petroleum products, or recognized environmental conditions and/or CERCLA 120(h) concerns were discovered on this real property. No further inquiry is needed for purposes of appropriate inquiry; therefore, disposal of this real property is recommended.
- This Preliminary Analysis has revealed evidence of recognized environmental conditions and/or CERCLA 120(h) concerns in connection with this real property; therefore, it is recommended this real property **not** be considered for disposal. This realty action has been referred to the Hazardous Materials Specialist for actions as specified in the National Contingency Plan.
- This Preliminary Analysis has revealed evidence of recognized environmental conditions and/or CERCLA 120(h) concerns in connection with this real property; therefore, a Phase I Environmental Site Assessment is recommended.
- This Preliminary Analysis has revealed evidence of recognized environmental conditions and/or CERCLA 120(h) concerns in connection with this real property. It is recommended that only (describe) be included in this disposal. The following portions should be excluded: (describe).

C. Who May Conduct and Review

The Preliminary Assessment may only be conducted by an individual has completed First Responder Awareness Training (FRA) and required refresher training as prescribed by BLM Policy. In addition 8 hours of acquisition and 4 hours of disposal training must be completed. The Preliminary Assessment should be reviewed by an individual who has completed NTC Course 1703-13, Environmental Site Assessment, or has equivalent training and/or education.

Date

Chapter IV - Preliminary Analysis

D. Timing

The Preliminary Analysis must be completed within 12 months prior to the date of the disposal. An update must be completed if the Preliminary Analysis is over one year old. It is recommended that a visual inspection of the property to be conveyed is completed within 30 days of title conveyance to determine if any conditions on the property have changed.

E. Approval Authority

Field Office Manager.

F. Example

An example of a completed Preliminary Analysis is provided as Illustration 4.

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[Date]

Chapter V - Initial Assessment

A. Significance and Use

The Initial Assessment is a process designed to identify RECs in connection with a property. An Initial Assessment is used when the likelihood of contamination is low but there is a potential that human intrusion may have resulted in a REC being present on the property.

A Phase I ESA may be conducted without a documented Preliminary Analysis or Initial Assessment, when it is apparent that a Phase I will be needed, unless managers desire to have a multiphase decision process.



The Initial Assessment cannot be used if the property involves the Termination of Federal Government Operations.

The Initial Assessment consists of the following actions:

- If an employee or ex-employee is available who has knowledge about the property, provide a Contaminant Survey Questionnaire an example is provided as Illustration 5. Use of this form is optional. If not used, reasons for not using the form must be documented. Alternate forms/questions may be utilized and documented.
- Conduct a limited research of BLM records, certain government records, and standard historical sources as described in ASTM Standard E-1528 5.1 an example is provided as Illustration 6.
- Observe site conditions at the property using the Site Conditions Observation an example is provided as Illustration 5.
- Complete a report; the format is discussed in Section F. of this Chapter.

B. Findings and Conclusions

Upon completion of the Initial Assessment, the report should summarize the findings and offer one of the following conclusions/recommendations:

- No evidence of hazardous substances, petroleum products, or environmental conditions and/or CERCLA 120(h) was discovered on this real property. No further inquiry is needed to assess recognized environmental conditions for purposes of appropriate inquiry; therefore, disposal of this real property is recommended.
- 2. This Initial Assessment has revealed evidence of recognized environmental conditions and/or CERCLA 120(h) concerns in connection with this real property; therefore, it is recommended this real property **not** be considered for disposal.

Chapter V - Initial Assessment

- 3. This Initial Assessment has revealed evidence of recognized environmental conditions and/or CERCLA 120(h) concerns in connection with this real property; therefore, a Phase I Environmental Site Assessment is recommended.
- 4. This Initial Assessment has revealed evidence of recognized environmental conditions and/or CERCLA 120(h) concerns in connection with this real property. It is recommended that only (describe) be included in this disposal. The following portions should be excluded: (describe).

If the Initial Assessment identifies a minor concern, limited additional work may be conducted to determine if a REC is actually present.

For example, research of State/local environmental records could indicate that Underground Storage Tanks (UST) are present on adjoining property. As part of the Initial Assessment, records could be researched to determine if the UST affects the property proposed for disposal. A Phase I ESA would not be required if the USTs do not affect the property.

If further inquiry is needed to determine if RECs or CERCLA 120(h) concerns are present on the property after completion of the Initial Assessment, a Phase I ESA will be conducted as described in Chapter VI.

C. Who May Conduct and Review

The Initial Assessment may only be conducted by an individual has completed First Responder Awareness Training (FRA) and required refresher training as prescribed by BLM Policy. In addition, 16 hours of acquisition and four hours of disposal training must be completed. The Initial Assessment should be reviewed by an individual who has completed NTC Course 1703-13, or equivalent training and/or education.

D. Timing

The Initial Assessment must be completed within 12 months prior to the date of the disposal. An update must be completed if the Initial Assessment is over one year old. It is recommended that a visual inspection of the property to be conveyed is completed within 30 days of title conveyance to determine if any conditions on the property have changed.

E. Approval Authority

Field Office Manager.

Chapter V - Initial Assessment

F. Initial Assessment Report Outline

1. Opening Sections

- a. Title Page: Identifies the project, the office, and the date.
- b. Table of Contents: Follows the outline format where required.
- c. Summary: Brief description of the type of disposal, investigative work completed, concerns, and the recommendation(s).
- d. Introduction: Purpose of the assessment, description of the real property, and limitations of the report.

2. Contaminant Survey Questionnaire

- a. BLM Concerns: Describe any known or suspected RECs identified by the BLM/operator.
- A. Questionnaire Not Used: If the questionnaire was not used, provide an explanation and the alternative documentation.

3. Government Records and Historical Sources Research

- a. Records Search: Briefly describe the records searched.
- b. Historical Sources: Briefly describe the historical sources researched.
- c. REC: Describe any RECs identified during the research. If none, so state.

4. Site Reconnaissance

- a. Subject Property Conditions: Describe the conditions on the subject property with emphasis on RECs and CERCLA 120(h) concerns that are or could affect the property.
- b. Adjacent/Surrounding Property Conditions: Describe the conditions on adjacent and surrounding property that could affect or are affecting the subject property.
- c. REC: Describe any RECs identified during the site reconnaissance that could affect the subject property. If none, so state.
- d. Solid Waste and Physical Hazards: Describe and provide maps and photographs.

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Chapter V - Initial Assessment

5. **Closing Sections**

- a. Conclusions: Provide a description of the conclusions that resulted from the information compiled during the investigation.
- h Recommendations: The recommendation statement should be one of the following:
 - No evidence of hazardous substances, petroleum products, or environmental conditions and/or CERCLA 120(h) was discovered on this real property. No further inquiry is needed to assess recognized environmental conditions for purposes of appropriate inquiry; therefore, disposal of this real property is recommended.
 - This Initial Assessment has revealed evidence of recognized environmental conditions (2) and/or CERCLA 120(h) concerns in connection with this real property; therefore, it is recommended this real property **not** be considered for disposal.
 - This Initial Assessment has revealed evidence of recognized environmental conditions (3) and/or CERCLA 120(h) concerns in connection with this real property; therefore, a Phase I Environmental Site Assessment is recommended.
 - **(4)** This Initial Assessment has revealed evidence of recognized environmental conditions and/or CERCLA 120(h) concerns in connection with this real property. It is recommended that only (describe) be included in this disposal. The following portions should be excluded: (describe).
- Approvals: The report should be signed by the preparer, reviewer, and the manager. c.

6. **Appendix**

- Required Documents: site map/vicinity maps, landowner contaminant survey, government a. records and historical sources research, site condition observations, and site photographs are the minimum documents generally required.
- b. Other Documents: Include other documents used in the investigation to form the conclusions and recommendations. If the documents are lengthy, consider incorporating them by reference in the report text or only include the applicable portions.

G. Example

An example of an Initial Assessment Report is provided as Illustration 7.

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Chapter VI - Phase I Environmental Site Assessment

A. Significance and Use

The purpose of the Phase I ESA is to identify, to the extent feasible pursuant to the process described in ASTM Standards E-1527, Recognized Environmental Conditions (RECs) in connection with the property.

The Phase I process will be used when:

- Property meets the CERCLA 120(h) and/or 40 CFR PART 373 Notice requirements.
- There are known or suspected RECs in connection with the property.
- The property involves Termination of Federal Government Operations (TFGO).



A Phase I ESA consists of 4 components:

- Records Review
- Site Reconnaissance
- Interviews
- Report

B. Who May Conduct and Review

The Phase I ESA will be conducted or supervised by an individual who has completed NTC Course 1703-13, or equivalent training or education, and should be reviewed by someone who has completed the series of NTC Courses listed on Figure III-2. In most cases, consider using a consultant to complete a Phase I Environmental Site Assessment as discussed in Chapter VIII of this Handbook.

C. Timing

The Phase I ESA must be completed within 12 months prior to the date of the disposal. An update must be completed if the Phase I ESA is over one year old. It is recommended that a visual inspection of the property to be conveyed is completed within 30 days of title conveyance to determine if any conditions on the property have changed.

D. Approval Authority

The Field Office Manager may approve a Phase I ESA where there are no RECs on the real property proposed for disposal, or where the BLM will not proceed with the disposal. Refer to Chapter VII for situations involving real property where there are known or suspected RECs identified during the Phase I ESA

Chapter VI - Phase I Environmental Site Assessment

E. Phase I Report Outline

The Phase I outline is designed for the most complex types of disposal actions. ASTM Standard E 1527 provides a recommended Table of Contents and Report Format for acquisition of real property. However, the format must be modified to comply with BLM Policy and to meet legal requirements of CERCLA 120(h) and 40 CFR PART 373.

The following outline combines ASTM and BLM requirements. The ASTM requirements are described in ASTM Standard E 1527 and information related to those requirements can be obtained by referring to the Standard. The BLM requirements with additional explanation are shown in BOLD TEXT.

- 1. Cover Sheet: The cover sheet should include text indicating office, type of report, case number, date, and name of person who prepared the report.
- 2. Table of Contents: The table of contents will show major sections of the report and include a listing of Appendices.
- 3. Summary: The summary will include the main points of the disposal action to include a description of the property, the reason for the disposal, brief synopsis of the findings, conclusions, and presentation of the recommendation(s).
- 4. Introduction
 - Purpose
 - Detailed Scope of Services
 - Significant Assumptions
 - Limitations and Exceptions may include special conditions for the report
 - Special Terms and Conditions that may be considerations or exceptions that are not part of a typical ESA that should be documented.
 - User Reliance

This section may be modified to meet the specific needs of the disposal action.

- 5. Site Description
 - Location and legal description may be a brief and just enough to locate the subject property. If cumbersome, a complete legal description may be placed in the Appendix. A map showing the location should also be placed in the Appendix.
 - Site and vicinity general characteristics
 - Current use of the property
 - Descriptions of structures, roads, other improvements on the site,
 - Current uses of the adjoining properties

This section may be modified to meet the specific needs of the disposal action.

ı	Data
	Date

Chapter VI - Phase I Environmental Site Assessment

- 6. User Provided Information
 - Title Records
 - Environmental liens or activity and use limitations
 - Specialized knowledge
 - Valuation reduction for environmental issues
 - Owner, property manager, and occupant information
 - Reason for performing Phase I
 - Other

This section may be modified to meet the specific needs of the disposal action.

- 7. Records Review
 - Standard environmental record sources
 - Additional environmental record sources
 - Physical setting sources(s)
 - Historical use information on the property
 - Historical use information on adjoining properties

This section may be modified to meet the specific needs of the disposal action.

- 8. Site Reconnaissance
 - Methodology and limiting conditions
 - General site setting
 - Exterior observations
 - Interior observations
 - Sampling: generally should not be conducted during Phase I. Limited sampling may be used to confirm or deny the presence of a contaminant. Sampling to determine the extent of the contamination should not be done in a Phase I ESA.

Sampling during a Phase I might be appropriate to identify a small area of suspected soil contamination. The presence or absence of contamination could be determined by limited sampling. If BLM funds the sampling and testing, this limited work is defined as costing less than \$10,000 per site while sampling and testing by BLM beyond the \$10,000 amount may require the next level of site investigation.

• Solid Waste and Physical Hazards: Describe and provide site maps and photographs

This section may be modified to meet the specific needs of the disposal action.

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Chapter VI - Phase I Environmental Site Assessment

9. Interviews

- Interview with owner
- Interview with site manager
- Interviews with occupants
- Interviews with local government officials
- Interviews with others

This section may be modified to meet the specific needs of the disposal action.

10. Recognized Environmental Conditions/Historical Recognized Environmental Conditions

This section will include a discussion of the recognized environmental conditions and/or historical recognized environmental conditions on the subject property or on adjacent property or in the surrounding area that could affect the subject property.

The discussion will include all relevant information to include the physical setting, pathways, contaminants of concern, and other information as needed.

11. CERCLA 120(h)/40 CFR PART 373 Requirements for Notice

This section will describe Notice requirements and complete an analysis of hazardous substances and/or petroleum products identified in Section 10 to determine if notice is required in the conveyance document.

12. Findings

The findings section summarizes known or suspected environmental conditions, historical recognized environmental conditions, de minimis conditions, and other conditions that affect the subject property.

13. Opinions

The report shall include the environmental professional's opinion(s) of the impact on the property of known or suspect environmental conditions identified in the findings section.

14. Conclusions

The report shall include a conclusions section that summarizes all recognized environmental conditions connected with the property and the impact of these recognized environmental conditions on the property.

Chapter VI - Phase I Environmental Site Assessment

15. American Society for Testing and Materials (ASTM) Statement

The report shall include one of the following statements:

- "We have performed a Phase I ESA Environmental Site Assessment in conformance with
 the scope and limitations of ASTM Practice E 1527 of [insert address or legal description] of
 the property. Any exceptions to, or deletions from, this practice are described in Section []
 of this report. This assessment has revealed no evidence of recognized environmental
 conditions in connection with the property,"
- "We have performed a Phase I ESA Environmental Site Assessment in conformance with the scope and limitations of ASTM Practice E 1527 of [insert address or legal description] of the property. Any exceptions to, or deletions from, this practice are described in Section [] of this report. This assessment has revealed no evidence of recognized environmental conditions in connection with the property, except for the following: (list)."
- 16. Deviations: All deletions and deviations from this practice (if any) shall be listed individually and in detail and all additions should be listed.
- 17. References

18. Recommendations

The report shall include one of the following recommendations:

- (1) This Assessment has revealed no evidence of hazardous substances, petroleum products, or recognized environmental conditions and/or CERCLA 120(h) concerns were discovered on this real property. No further inquiry is needed for purposes of appropriate inquiry; therefore, disposal of this real property is recommended.
- (2) This Assessment has revealed evidence of recognized environmental conditions and/or CERCLA 120(h) concerns in connection with this real property; therefore, it is recommended this real property not be considered for disposal. This realty action has been referred to the Hazardous Material Specialist for actions as specified in the National Contingency Plan (NCP).
- (3) This Assessment has revealed evidence of recognized environmental conditions and/or CERCLA 120(h) concerns in connection with this real property. It is recommended that only (describe) be included in this disposal. The following portions should be excluded: (describe).

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[Date]

Chapter VI - Phase I Environmental Site Assessment

19. Approvals

This section shall include the signature of the person who prepared the report, person recommending the report, and the manager who must approve the report.

If the report is prepared by a consultant, a summary report prepared by the BLM should be attached to the consultant report with recommendations and signatures for approvals.

- 20. Qualifications (of report preparer)
- 21. Appendices
 - Required Documents: site map/vicinity maps, landowner contaminant survey, government records and historical sources research, site condition observations, and site photographs are the required minimum documents.
 - Other Documents: Include other documents used in the investigation to form the conclusions and recommendations. If the documents are lengthy, consider incorporating them by reference in the report text or only include the applicable portions.
- **F. Example**: An example of a Phase I ESA prepared by the BLM is provided as Illustration 8.

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Chapter VII - Beyond Phase I

A. Introduction

If the Phase I Environmental Site Assessment (ESA) identifies known or suspected Recognized Environmental Conditions (RECs) on the property proposed for disposal, on adjacent property, or The Levels of Analysis and their objectives are as follows: property in the surrounding area that could affect the property proposed for disposal, a site investigation may be required.

The nature and amount of suspected contamination will determine the regulatory requirements, involvement of Federal, State, or both regulatory agencies, and other requirements for the site investigation and potential cleanup action to be taken.



Because of the complexity of the situation, if known or suspected contamination is discovered on property proposed for disposal, the Field Office/State Office Hazardous Materials Specialist or equivalent should be contacted immediately upon discovery.

B. Regulatory Requirements

Federal legislation (CERCLA/SARA) created National policy and procedures to identify and cleanup sites contaminated with releases of hazardous substances listed in the legislation. The BLM has been delegated authority (40 CFR PART 300) to accomplish CERCLA cleanup actions pursuant to requirements of the NCP.

Petroleum product contamination is generally excluded from CERCLA/SARA but is regulated under the Resource Conservation and Recovery Act (RCRA), Federal Clean Water Act (CWA), and the Federal Oil Pollution Act of 1990 (OPA). Identification of Petroleum product contamination is required by ASTM as part of the RECs to be documented.

Most States have a corresponding regulation that adds stricter requirements than those imposed by Federal legislation.

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Chapter VII - Beyond Phase I

C. Release Reporting

A release of a hazardous substance or a petroleum product exceeding the reportable quantities requires a Notification (Report) to the National Response Center. In addition, each State may have a reporting requirement as well. Generally, the State requirements are stricter or at least different than the Federal requirements. There are both civil and criminal penalties for failure to report as prescribed by law.

Reporting is the responsibility of the landowner of the property where the release occurred. In some cases on property proposed for disposal, the discovery of a known or suspected release may be identified from the records search or during the site inspection. The Hazardous Materials Specialist should be contacted immediately to make a determination if notifications to Federal and State regulators are required.

D. Role of the Regulator

The role of the regulator varies depending on the complexity of the site. For example, the Environmental Protection Agency (EPA) is usually only involved in the more complex sites. The State regulators are more likely to be involved in the less complex sites.

The level of involvement will be based on the nature of the contamination, the extent of the contamination, the pathway affected, the impact on human health and the environment, and other factors.

E. Role of the BLM

The primary role of the BLM in any phase of this process is to comply with all the environmental laws, regulations, and requirements once contamination is discovered on Federal lands. It should be recognized that once contamination is discovered, compliance is required and noncompliance is not a legal option. Coordination with the Hazardous Materials Specialist early in the process is recommended.

F. Site Investigation

In general, there are two approaches to a site investigation.

- The most complex is the CERCLA process for sites subject to EPA jurisdiction.
- Sites that do not fall under EPA jurisdiction may fall under State jurisdiction for oversight. Many States have requirements that parallel the Federal requirements.

All investigations must comply with the provisions of the National Contingency Plan (NCP).

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Chapter VII - Beyond Phase I

G. Site Cleanup

A cleanup action provides a strategy to achieve site-specific and cost effective solutions to accomplish cleanup of contaminated property. The basic objectives of the cleanup are to:

- Fully characterize the vertical and lateral extent of soil and groundwater contamination
- Identify and evaluate cleanup options
- Select and implement the most appropriate cleanup activities
- Comply with the provisions of the National Contingency Plan

H. Consultation With the Solicitor

Due to the complex regulatory requirements related to sites with known or suspected contamination, the Solicitors's office should be consulted early in the process and kept involved to ensure that legal requirements are being met.

I. Approvals and Funding Requirements

Approval levels may vary depending on the level of ESA documentation needed for the site and whether remedial action is necessary. Consultation with the Solicitor is required when contamination is known or suspected and negotiated indemnification, remedial action or corrective action is required. These are legal negotiated languages. Refer to BLM Manual 1203 - DELEGATION OF AUTHORITY; Subject Function Classification Code Reference 1703 to determine the delegated approval/signature level for the proposed action. Also refer to specific State guidance for delegation of authority Manual Supplements.

There is no separate fund for cleanups associated with disposal actions. The regular budget process must be used to justify funds to cleanup sites and may be subject to fund availability. It is, therefore, critical to coordinate timing of the disposal action and negotiated languages with reasonable time frames.

J. Summary

Once contamination is known or suspected to be present on lands managed by the BLM and are proposed for disposal, the regulatory requirements become very complex. The Hazardous Materials Specialist needs to become involved, managers informed, and appropriate actions started.

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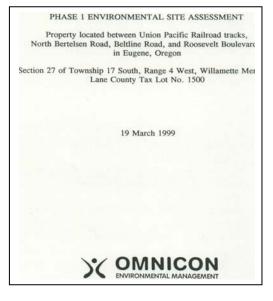
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Chapter VIII - Use of a Consultant for ESAs

A. Introduction

A consultant may be used to complete the Environmental Site Assessment work for property with known or suspected contamination. A consultant may be used at the discretion of the manager or when:

- completion is time critical or there is a budget/workload consideration
- the Phase I may identify a release that will result in a CERCLA response action either by the United States or the responsible party
- a potential exists for future litigation



K. Contracting Action

A Statement of Work (SOW) must be completed for an ESA. Care must be taken when writing the SOW to ensure that the product will produce the information needed for the disposal action. A simple statement that the ESA will be performed in accordance with the ASTM Standards may not produce the desired results. For example, the ASTM Standards do not address solid waste or physical hazard issues. If this is a desired result, the requirement should be written into the SOW. Any specific requirements related to the property, such as desired completion date, special requirements, location of records, suggested persons to be interviewed, etc., should be included in the SOW.

A government estimate must be prepared based on the SOW. Based on funding availability, adjustments may have to be made to the SOW to allow completion of the work by a contractor. In these cases, the work completed by the BLM must be integrated into the final report related to the property.

Some states, such as California and Nevada, require that contractors who complete ESAs be certified while some do not. The SOW should include requirements for contractor qualifications and provide for a bidder to submit references for evaluation so the BLM may determine if the contractor is qualified.

The contract should also provide an opportunity for the BLM to review the contractor's ESA in draft form. It is critical to ensure that the BLM is in agreement with the language used by the contractor, and that RECs identified in the report are clearly RECs or identified as possible RECs. The BLM must also review the consultant's report to determine if it meets all requirements specified in the Statement of Work and clearly meets the requirements of the ASTM Standards.

Chapter IX - Integration of ESA and LTA Report

A. Introduction

BLM Manual Handbook H-2740-1, Recreation and Public Purposes, provided a process to allow applicants to request authorization for use of Public Lands under the Recreational and Public Purposes (R&PP) Act. The Handbook also provides a procedure to be utilized to patent or convey ownership of the lands to the lessee.

A. Landfill Transfer Audit

H-2740-1, Chapter X - <u>Solid Waste or Other Purposes That May</u> <u>Include the Disposal, Placement, or Release of a Hazardous</u> <u>Substance</u>, discusses landfills and other uses such as rifle ranges or sewage treatment facilities that were authorized pursuant to the



R&PP Act., which could result in potential liability to the United States related to the disposal, placement, or release of a hazardous substance. In addition, the chapter describes requirements for a Landfill Transfer Audit (LTA) which shall be conducted on the lands to be included in a patent to the lessee. The LTA is an assessment conducted on the lands to be included in the patent to determine the conditions of the facility (property) prior to transfer of title to the lessee and is in addition to CERCLA 120(h) requirements.

The composition of the LTA is described in the Handbook and the Handbook also provides an example of a completed LTA.

B. Integration of ESA/LTA Requirements

The documentation required in an ESA is similar to that required in the LTA as they both require interviews, record searches, site visits, and a report. However, in most cases, the ESA will result in the collection and interpretation of more data than that required in an LTA. Although the requirements of an ESA and LTA differ, all requirements can be integrated and produced in single report.

Chapter X - Request to State Office for Issuance of Conveyance Document

A. Introduction

The Authorized Officer transmits a request to the State Office to issue the conveyance document for the Federal Lands. In addition to the normal requirements, the request for conveyance document should include all indemnification, warrants, and covenants as required by CERCLA 120(h) and BLM policy. These requirements are summarized in the following paragraphs.

B. Uncontaminated Real Property - Non-TFGO (Chapter II, Paragraph E.1.)

The conveyance document should include the following:

• Warranty Statement that reads:

"The lands have been examined in accordance with CERCLA 120(h), 40 CFR PART 373, and BLM Policy. No evidence of hazardous substances, petroleum products, or recognized environmental conditions were found." (BLM Policy Requirement)

C. Uncontaminated Property - TFGO (Chapter II, Paragraph E.2.)

The conveyance document should include the following:

• A covenant that reads:

"The United States shall conduct any response action or corrective action found to be necessary after the date transfer." (CERCLA 120(h) Requirement).

• A Clause that reads:

"(Name of Conveyee) shall grant the United States access to the property in any case in which a response action or corrective action is found to be necessary after such date at such property, or such access is necessary to carry out a response action or corrective action on adjoining property." (CERCLA 120(h) Requirement)

- Indemnification language (BLM Policy Requirement)
- Statement that reads:

"The lands have been examined in accordance with CERCLA 120(h), 40 CFR PART 373, and BLM Policy. No evidence of hazardous substances, petroleum products, or recognized environmental conditions were found." (BLM Policy Requirement)

Chapter X - Request to State Office for Issuance of Conveyance Document

D. Termination of Federal Government Operations (Chapter II, Paragraph F.1.)

The conveyance document should include the following:

- Notice as required by CERCLA 120(h)(3)(i) and 40 CFR Part 373.3
- Covenants that read:

"The United States has taken all response actions necessary to protect human health and environment, with respect to the hazardous substance remaining on the property, before the conveyance." (CERCLA 120(h) Requirement)

"The United States will conduct any additional response action after the date of conveyance." (CERCLA 120(h) Requirement)

"The United States will be granted access to the property to conduct any additional response action found to be necessary after the date of the conveyance." (CERCLA 120(h) Requirement)

- Indemnification language (BLM Policy Requirement)
- Statement that reads:

"The lands have been examined in accordance with CERCLA 120(h), 40 CFR PART 373, and BLM Policy. No evidence of hazardous substances, petroleum products, or recognized environmental conditions were found." (BLM Policy Requirement)

E. Conveying Previously Contaminated Property to a Non-Federal Party NOT a PRP (Chapter II, Paragraph F. 2.)

The conveyance document should include the following:

- Notice as required by CERCLA 120(h)(3)(i) and 40 CFR Part 373.3
- Covenants that read:

"The United States has taken all response actions necessary to protect human health and environment, with respect to the hazardous substance remaining on the property, before the conveyance." (CERCLA 120(h) Requirement)

"The United States will conduct any additional response action after the date of conveyance." (CERCLA 120(h) Requirement)

"The United States will be granted access to the property to conduct any additional response action found to be necessary after the date of the conveyance." (CERCLA 120(h) Requirement)

- Indemnification language (BLM Policy Requirement)
- Statement that reads:

"The lands have been examined in accordance with CERCLA 120(h), 40 CFR PART 373, and BLM Policy. No evidence of hazardous substances, petroleum products, or recognized environmental conditions were found." (BLM Policy Requirement)

I	Date
	Daic

Chapter X - Request to State Office for Issuance of Conveyance Document

F. Conveying Property With Known or Suspected Environmental Issues to a Non-Federal Party NOT a PRP (Chapter II, Paragraph F.3.)

The conveyance document should include the following:

- Notice as required by CERCLA 120(h)(3)(i) and 40 CFR Part 373.3
- Appropriate indemnification language reviewed by the Solicitor. (BLM Policy Requirement)

G. Conveying Contaminated Property to a PRP (Chapter II, Paragraph F.5)

The conveyance document should include the following:

- Description of known contamination as follows:
 - (1) Notice of the type and quantity of the hazardous substances or petroleum products that were stored on the property for more than one year, released on the property, or disposed of on the property
 - (2) Notice of the time at which the storage, release, or disposal took place
 - (3) A description of the response taken

(CERCLA 120(h) Requirement)

- A site specific negotiated response action to be taken by the conveyee (BLM Policy Requirement)
- A site specific negotiated indemnification language (BLM Policy Requirement)

Example of Indemnification Language

By accepting this (conveyance document) and, to the extent allowed by law, (the conveyee) agrees to indemnify, defend, and hold harmless the United States from any cost, damages, claims, causes of action, penalties, fines, liabilities, and judgements of any kind or nature arising from past, present, and future acts or omissions of the (Conveyee), its employees, agents, Contractors, or lessees, or any third party, arising out of, or in connection with the (Conveyee) use, occupancy, or operations on the real property that has already resulted or does hereafter result in:

- 1) Violations of Federal, State, and local laws and regulations that are now, or may in the future, become applicable to the real property:
- 2) Judgements, claims, and demands of any kind assessed against the United States;
- 3) Cost, expense, or damages of any kind incurred by the United States;
- 4) Other releases or threatened releases on, into, or under land, property and other interests of the United States by solid or hazardous waste(s) or substance(s) as defined by Federal and State law;
- 5) Natural resource damages as defined by Federal and State law; or
- 6) Other activities by which solid or hazardous substances or wastes, as defined by Federal and State law, were generated, used, stored, released, or otherwise disposed of on the real property, and any cleanup, response, or remedial action, or other action related in any manner to said solid or hazardous substances or wastes.

This covenant shall be construed as running with the real property, and may be enforced by the United States in a court of competent jurisdiction.

BLM MANUAL Release No.

[Date]

DISPOSAL OF REAL PROPERTY

Example of Letter to the State

CERTIFIED MAIL RETURN RECEIPT REQUESTED

TO: [Appropriate State Official]

As part of a proposed [type of disposal]) with [Name of Conveyee], the Bureau of Land Management (BLM) has identified the real property in the enclosed Environmental Site Assessment Report as uncontaminated. Based on the work completed as part of the Report, BLM has found no evidence of hazardous substances or petroleum products on this property.

Under Section 120 (h)(4)(b) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C § 9620(h), BLM is required to seek the concurrence of the appropriate state official when identifying uncontaminated federal lands for disposal. By this letter, the BLM requests concurrence. Please note that, under Section 120(h)(4)(B), your concurrence is deemed to be obtained if you have not acted within 90 days of receiving this request.

you have not acted within 90 days of receiving this request.		
Thank you in advance for your consideration. If you have any questions, you may contact [].	
Enclosure		
Environmental Site Assessment Report		
CC:		
EPA []		
		[]

BLM MANUAL Release No. _____ [Date]

DISPOSAL OF REAL PROPERTY

Example of a Blank Preliminary Analysis

Environmental Preliminary Analysis

Property Description Se	erial	No.			
Name:					
Location/Tax Lot Number:					
Owner: Name		Phone No.			
Type and Purpose of Disposal:					
Site Inspection Da	ate:				
Inspection Item		None	Onsite	Nearby	
Surface disturbance of any kind					
Vegetative differences, stress differences from surroundir	ngs				
Sterile/modified water bodies					
Stained areas/discolored stream banks					
Oil slicks/unusual colors on water					
Dump areas of any kind (solid waste)					
Structure of any type					
Physical Hazards					
ONSITE existence of any of the above features will require				proceeding	
to an Initial Assessment or Phase I unless justified in the	comi	ments section	on.		
Past Uses of the Property:					
Current Uses of the Property:					

DISPOSAL OF REAL PROPERTY

Example of a Blank Preliminary Analysis

Environmental Preliminary Analysis						
Records Search/Historical S	Source	s	Date:			
Type of Record	No	Yes	If yes, Describe			
BLM Records						
Landfills/Dumps						
USTs/LUSTs						
Assessment or a Phase I.	-		vill require further investigation by proceeding to an Initial			
Aerial Photos - Years Review	ved:					
Description of What Can Be	Observ	ed:				
Anomalies/Recognized Envir	ronmen	tal Con	aditions:			
Questionnaire/Interviews (Option	al)				
BLM:						
Other:						
Comments:						

BLM MANUAL Release No.

DISPOSAL OF REAL PROPERTY

Example	of a	Blank	Prelim	ninary	Anal	vsis

Environmental Preliminary Analysis

Recommendation (Check 1): The FEDERAL real property is land on which no Federal Government Operations have been conducted or terminated.

No evidence of h	azardous substances, petroleum products, or recognized environmental								
	CERCLA 120(h) concerns were discovered on this real property. No								
	needed for purposes of appropriate inquiry; therefore, disposal of this								
real property is re									
	Analysis has revealed evidence of recognized environmental conditions								
	120(h) concerns in connection with this real property; therefore, it is								
	recommended this real property not be considered for disposal. This realty action has								
	been referred to the Hazardous Materials Specialist for actions as specified in the National								
Contingency Plan									
	Analysis has revealed evidence of recognized environmental conditions								
	120(h) concerns in connection with this real property; therefore, a Phase I								
	ite Assessment is recommended.								
	Analysis has revealed evidence of recognized environmental conditions								
	120(h) concerns in connection with this real property. It is recommended								
	be) be included in this disposal. The following portions should be								
excluded: (descri	be).								
1									
Approvals									
Prepared By:	D /								
Name:	Date:								
Signature:	Title:								
Reviewed By:									
Name:	Date:								
Signature:	Title:								
rigilature.	THC.								
Recommended By:									
Name:	Date:								
Signature:	Title:								
Approved By:									
Name:	Date:								
Signature:	Title:								
Attachments:									
Site Map									
Photographs									
BLM MANUAL	Release No.								
LIVI IVII II I I OAL	Keicase No								
	լւ								

DISPOSAL OF REAL PROPERTY

Example of a Completed Preliminary Analysis

Environmental Preliminary Analysis Real Property Disposal

Property Description

Serial No. OR 55429

Conveyance To: To be sold as competitive sale.

Location/Tax Lot No.: Quaglia Lane No. 2; T. 21 S., R. 3 W., sec. 2, lots 6 and 9, W.M.

Purpose of Disposal: Land Sale - Disposal of Unmanageable Lands

Site Inspection Date: August 29, 2001

Inspection Item	None	Onsite	Nearby
Surface disturbance of any form		XXX	
Vegetative differences, stress differences from surroundings		XXX	
Sterile/modified water bodies	XXX		
Stained areas/discolored stream banks	XXX		
Oil Slicks/unusual colors on water	XXX		
Dump areas of any kind	XXX		
Structure of any type		XXX	

Any ONSITE existence of any of the above features will require further investigation by proceeding to an Initial Assessment or Phase I unless justified in the comments section.

Past Uses of the Property: Gravel road, structures, forest lands, pastures, power line R/W

Current Uses of the Property: Gravel road, structures, forest lands, pastures, power line R/W

DISPOSAL OF REAL PROPERTY

Example of a Completed Preliminary Analysis

Environmental Preliminary Analysis Real Property Disposal

Records Search/Historical Sources

Type of Record	RECs	Present	If yes, Describe
	Yes	No	
Landfills/Dumps		XXX	
USTs/LUSTs		XXX	
MTP		XXX	

Any YES answers to the above questions will require further investigation by proceeding to an Initial Assessment or a Phase I.

Aerial Photos - Years Reviewed: 2000

Description of What Can Be Observed: There is a gravel road extending from the east edge of the parcel (Quaglia Road) approximately 620 feet west to provide access to homes on tax lot 901 and 1000. The western end of the parcel has a Bonneville Power Administration power transmission line with cleared vegetation. There is also some second growth timber on the western end of the parcel.

Anomalies/Recognized Environmental Conditions: None observed.

Interviews

During the site inspection, the resident at tax lot 1000 was interviewed about the contents of the structure on the parcel. He stated it was used for vehicle parking and there were no hazardous materials stored inside except that normally associated with general household use.

Comments:

Site Inspection:

The site inspection was conducted by Glen Gard on August 29, 2001. The parcel is generally flat for a distance of about 620 feet west from Quaglia Road. There is a gravel road on this portion with two separate residences north of the gravel road. The western most residence includes a vehicle parking structure on the parcel. From there, the terrain climbs uphill to the western end at the crest of the ridge. There is a gravel road that is part of the BPA right-of-way access that continues nearly to western end of the parcel. There is logged over second growth on portions of the western end of the property. There were three sheep and a cow grazing on the parcel during the inspection.

BLM MANUAL Release No.

Date: August 29, 2001

DISPOSAL OF REAL PROPERTY

Example of a Completed Preliminary Analysis

Environmental Preliminary Analysis Real Property Disposal

Recommendation

No evidence of hazardous substances, petroleum products, or recognized environmental conditions and/or CERCLA 120(h) concerns were discovered on this real property. No further inquiry is need for purposes of appropriate inquiry.

Disposal of this real property is recommended.

Approvals

Prepared By:	
Name:	Date:
Signature:	Title: Env. Prot. Specialist
Recommended By:	
Name:	Date:
Signature:	Title: South Valley Field Manager
Approved By:	
Name:	Date:
Signature:	Title: District Manager

Attachments:

XXX	Site Map
XXX	Aerial Photograph
XXX	Site Photographs

BLM MANUAL Release No.

[Date]

H-2101-5 ENVIRONMENTAL SITE ASSESSMENT REQUIREMENTS FOR

DISPOSAL OF REAL PROPERTY

Example of Blank Contaminant Survey Questionnaire/Site Conditions Observation Form

U.S. DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT

CONTAMINANT SURVEY QUESTIONNAIRE/ SITE CONDITIONS OBSERVATIONS OF PROPOSED REAL ESTATE DISPOSAL

INSTRUCTIONS:

This form may be used by both the BLM as Owner/Occupant and by the BLM Site Inspector or Contractor completing the Site Conditions Observations Inspection. If the form is to be completed by the BLM as the owner/occupant, the form should be completed prior to the site inspection to allow visual confirmation of the information provided.

If a response to a question is YES, comment in the space provided. If additional space is needed, use separate sheets of paper referencing the paragraph number. The preparer(s) will sign and date the appropriate blocks on the final page.

Property Data			
Name:		Serial No.	
Address/Legal Description	:		
City:	County:	State:	ZIP:
BLM/Operator/Representa	tive for Questionnaire		
Name:		Address:	
Date Prepared:	Phone:		
Organization:			
Site Inspector for Site Con-	ditions Observation		
Name:		Title:	
Date Prepared:	Phone:		
Organization:			
BLM MANUAL			Release No

DISPOSAL OF REAL PROPERTY

Example of Blank Contaminant Survey Questionnaire/Site Conditions Observation Form

1. Is the <i>property</i> or any <i>adjoining property</i> currently used	for an industrial u	ıse?	
Owner/Occupant:	Yes	No	Unknown
Comments:			
Observed During Site Visit	Yes	No	Unknown
Comments:			
2. To the best of your knowledge, has the <i>property</i> or any <i>a</i> the past?	djoining property	been used for	an industrial use in
Owner/Occupant:	Yes	No	Unknown
Comments:	<u> </u>		
Observed During Site Visit	Yes	No	Unknown
Comments:	<u> </u>		
3. Is the <i>property</i> or any <i>adjoining property</i> currently used commercial printing facility, dry cleaners, photo developing treatment, storage, disposal, processing, or recycling facility	laboratory, junky		
Owner/Occupant:	Yes	No	Unknown
Comments:			
Observed During Site Visit	Yes	No	Unknown
Comments:			
4. To the best of your knowledge, has the <i>property</i> or any <i>au</i> station; motor repair facility; commercial printing facility; diandfill; or as a waste treatment, storage, disposal, processing	ry cleaners; photo	developing lal	
Owner/Occupant:	Yes	No	Unknown
Comments:			
Observed During Site Visit	Yes	No	Unknown
Comments:			-

BLM MANUAL Release No.

DISPOSAL OF REAL PROPERTY

Example of Blank Contaminant Survey Questionnaire/Site Conditions Observation Form

LANI	DISSUES		
5. Are there currently, or to the best of your knowledge, have			
automotive or industrial batteries, or pesticides, paints, or otl			
5 gal (19 L) in volume or 50 gal (190 L) in the aggregate, sto	ored on or used at	the <i>property</i> or	r at the facility.
Owner/Occupant:	Yes	No	Unknown
Comments:			
Observed During Site Visit	Yes	No	Unknown
Comments:			
6. Are there currently, or to the best of your knowledge hav	e there been prev	iously, any ind	ustrial <i>drums</i>
(typically, 55 gal (208 L)) or sacks of chemicals located on t			
Owner/Occupant:	Yes	No	Unknown
Comments:			
Observed During Site Visit	Yes	No	Unknown
Comments:			
7. Has <i>fill dirt</i> been brought onto the <i>property</i> that originate	ed from a contami	nated site or th	at is of an unknown
origin?			
Owner/Occupant:	Yes	No	Unknown
Comments:			
Observed During Site Visit	Yes	No	Unknown
Comments:			
8. Are there currently, or to the best of your knowledge hav	e there been prev	iously any <i>pits</i> ,	ponds, or lagoons
located on the <i>property</i> in connection with waste treatment of			, , ,
Owner/Occupant:	Yes	No	Unknown
Comments:			
Observed During Site Visit	Yes	No	Unknown
Comments:			

DISPOSAL OF REAL PROPERTY

Example of Blank Contaminant Survey Questionnaire/Site Conditions Observation Form

9. Is there currently, or to the best of your know <i>property</i> ?	ledge has there been previou	sly, any <i>stained</i>	d soil on the
Owner/Occupant:	Yes	No	Unknown
Comments:	= 322 _		
Observed During Site Visit	Yes	No	Unknown
Comments:			
10. Are there currently, or to the best of your known unregistered <i>storage tanks</i> (above or undergroun		viously, any reg	gistered or
Owner/Occupant:	Yes	No	Unknown
Comments:			
Observed During Site Visit	Yes	No	Unknown
Comments: 11. Are there currently, or to the best of your known in the comments of the comments of the comments of the comments.			
11. Are there currently, or to the best of your known access ways indicating a fill pipe protruding from on the property? Owner/Occupant: Comments: Observed During Site Visit Comments:	Yes Yes STRUCTURE ISSUES	No No	Unknown Unknown
11. Are there currently, or to the best of your kneaccess ways indicating a fill pipe protruding from on the property? Owner/Occupant: Comments: Observed During Site Visit Comments:	Yes Yes Yes Yes Yes Yes Wes Yes Y	No No viously, any flo	Unknown Unknown Ooring, drains, or
11. Are there currently, or to the best of your kneaccess ways indicating a fill pipe protruding from on the property? Owner/Occupant: Comments: Observed During Site Visit Comments: 12. Are there currently, or to the best of your knewalls located within the facility that are stained be Owner/Occupant:	Yes Yes Yes Yes Yes Yes Wes Yes Y	No No viously, any flo	Unknown Unknown Ooring, drains, or
11. Are there currently, or to the best of your known access ways indicating a fill pipe protruding from on the property? Owner/Occupant: Comments: Observed During Site Visit Comments: 12. Are there currently, or to the best of your known walls located within the facility that are stained by Owner/Occupant: Comments:	Yes Yes Yes Yes Yes Wes Yes Yes	No No No No viously, any floor or are emittin No	Unknown Unknown Unknown Oring, drains, or g foul odors? Unknown
11. Are there currently, or to the best of your kneaccess ways indicating a fill pipe protruding from on the property? Owner/Occupant: Comments: Observed During Site Visit Comments: 12. Are there currently, or to the best of your knewalls located within the facility that are stained be Owner/Occupant:	Yes Yes Yes Yes Yes Wes Yes Yes	No No No No viously, any floor or are emittin	Unknown Unknown Unknown Oring, drains, or g foul odors?

DISPOSAL OF REAL PROPERTY

Example of Blank Contaminant Survey Questionnaire/Site Conditions Observation Form

OTHE	K ISSUES		
13. If the <i>property</i> is served by a private well or nonpublic w	ater system, hav	e contaminants	been identified in
the well or system that exceed guidelines applicable to the wa		s the well been	designated as
contaminated by any government environmental/health agend	cy?		
Owner/Occupant:	Yes	No	Unknown
Comments:			
Observed During Site Visit	Yes	No	Unknown
Comments:			
14. Does the <i>owner or occupant</i> of the <i>property</i> have any kn	owledge of <i>envi</i>	ronmental lien	s or governmental
notification relating to past or current violations of environment			
located on the <i>property</i> ?			
Owner/Occupant:	Yes	No	Unknown
Comments:			
Observed During Site Visit	Yes	No	Unknown
Comments:			
15. Has the <i>owner or occupant</i> of the <i>property</i> been informe	d of the past or c	urrent existenc	e of <i>hazardous</i>
substances or petroleum products or environmental violation			
property?	•		
Owner/Occupant:	Yes	No	Unknown
Comments:			
Observed During Site Visit	Yes	No	Unknown
Comments:			· · · · · · · · · · · · · · · · · · ·

DISPOSAL OF REAL PROPERTY

Example of Blank Contaminant Survey Questionnaire/Site Conditions Observation Form

16. Does the <i>owner or occupant</i> of the <i>property</i>			
the property or facility that indicated the presence contamination of, the <i>property</i> or recommended to			oaucts on, or
Owner/Occupant:	Yes	No No	Unknown
Comments:	165	110	CHKHOWH
Observed During Site Visit	Yes	No	Unknown
Comments:	1es	110	Ulikilowii
Comments.			
17 Door the course or accompany of the manager	Image of any next threatened	L or nonding to	····anita ar
17. Does the <i>owner or occupant</i> of the <i>property</i> administrative proceedings concerning a release of			
products involving the property by any owner or		iazaraous subs	uance or petroleum
Owner/Occupant:	Yes	No	Unknown
Comments:	105	INO	Clikilowii
Observed During Site Visit	Yes	No	Unknown
Comments:	103	110	Clikilowii
Comments.			
10 Doog the manager discharge wester water on	or adiacont to the manager.	thar than starm	verstar into o
18. Does the <i>property</i> discharge waste water on sanitary sewer system?	or adjacent to the <i>property</i> , o	thei than storn	i water, into a
Owner/Occupant:	Yes	No	Unknown
Comments:	103	110	Clikilowii
Observed During Site Visit	Yes	No	Unknown
Comments:	105	110	CIIKIIOWII
Comments.			
19. To the best of your knowledge, have any <i>haz</i>	zavdous substances ov netvol	aum products	unidentified waste
materials, tires, automotive or industrial batteries			
and/or burned on the <i>property</i> ?	of any other waste materials	been damped	above grade, barred
Owner/Occupant:	Yes	No	Unknown
Comments:	105	110	CIIKIIOWII
Observed During Site Visit	Yes	No	Unknown
Comments:	100	1,0	

DISPOSAL OF REAL PROPERTY

Example of Blank Contaminant Survey Questionnaire/Site Conditions Observation Form

Owner/Occupant:	Yes	No	Unknown
Comments:	105	1,0	
Observed During Site Visit	Yes	No	Unknown
Comments:			
21. To the best of your knowledge, has there b	een a snill or release of a haza	rdous substanc	e including oil ar
petroleum products, on the property?	cen a spin of release of a naza	i dous suostane	e, meraamg on ar
Owner/Occupant:	Yes	No	Unknown
Comments:	100	110	
Observed During Site Visit	Yes	No	Unknown
Comments:			
22. To the best of your knowledge, has there b		rdous substanc	e, including oil ar
petroleum products, on the adjoining properties	s?		
petroleum products, on the adjoining properties Owner/Occupant:		rdous substanc	e, including oil arUnknown
petroleum products, on the adjoining properties Owner/Occupant: Comments:	s?		Unknown
petroleum products, on the adjoining properties Owner/Occupant: Comments: Observed During Site Visit	s?		
petroleum products, on the adjoining properties Owner/Occupant: Comments: Observed During Site Visit	Yes Yes	No	Unknown
petroleum products, on the adjoining properties Owner/Occupant: Comments: Observed During Site Visit	Yes Yes	No	Unknown
petroleum products, on the adjoining properties Owner/Occupant: Comments: Observed During Site Visit Comments:	Yes Yes Yes	No No	Unknown
Describe products, on the adjoining properties Owner/Occupant: Comments: Observed During Site Visit Comments: ther issues that could result in Recogni	Yes Yes Zeed Environmental Cond	No No litions on the	Unknown Unknown Subject Prope
petroleum products, on the adjoining properties Owner/Occupant: Comments: Observed During Site Visit Comments: Other issues that could result in Recogni	Yes Yes Zeed Environmental Cond	No No litions on the	Unknown Unknown Subject Prope
petroleum products, on the adjoining properties Owner/Occupant: Comments: Observed During Site Visit Comments: Other issues that could result in Recogni	Yes Yes Zeed Environmental Cond	No No litions on the	Unknown Unknown Subject Prope
petroleum products, on the adjoining properties Owner/Occupant: Comments: Observed During Site Visit Comments: Other issues that could result in Recogni	Yes Yes Zeed Environmental Cond	No No litions on the	Unknown Unknown Subject Prope
petroleum products, on the adjoining properties Owner/Occupant: Comments: Observed During Site Visit Comments: Other issues that could result in Recogni	Yes Yes Zeed Environmental Cond	No No litions on the	Unknown Unknown Subject Prope
petroleum products, on the adjoining properties Owner/Occupant: Comments: Observed During Site Visit Comments: Other issues that could result in Recogni	Yes Yes Zeed Environmental Cond	No No litions on the	Unknown Unknown Subject Prope
petroleum products, on the adjoining properties Owner/Occupant: Comments: Observed During Site Visit Comments: Other issues that could result in Recogni	Yes Yes Zeed Environmental Cond	No No litions on the	Unknown Unknown Subject Prope
petroleum products, on the adjoining properties Owner/Occupant: Comments: Observed During Site Visit Comments: Other issues that could result in Recogni	Yes Yes Zeed Environmental Cond	No No litions on the	Unknown Unknown Subject Prope
petroleum products, on the adjoining properties Owner/Occupant: Comments:	Yes Yes Zeed Environmental Cond	No No litions on the	Unknown Unknown Subject Prope
petroleum products, on the adjoining properties Owner/Occupant: Comments: Observed During Site Visit Comments: Other issues that could result in Recogni	Yes Yes Zeed Environmental Cond	No No litions on the	Unknown Unknown Subject Prope

H-2101-5 ENVIRONMENTAL SITE ASSESSMENT REQUIREMENTS **FOR**

DISPOSAL OF REAL PROPERTY

Example of Blank Contaminant Survey Questionnaire/Site Conditions Observation Form

BLM as Owner/Occupant Inquiry and Response	onse
Preparer represents that to the best of the preparer's knowledge the above stater and, to the best of the preparer's actual knowledge, no material facts have been	
Signature:	Date:
Name (Printed):	
Title/Organization (If Appropriate):	
Phone Number:	
Site Conditions Observations	
The <i>preparer</i> of the <i>questionnaire</i> must complete and sign the following staten	nent:
Preparer represents that to the best of the preparer's knowledge the above stater and to the best of the preparer's actual knowledge no material facts have been s	
Signature:	Date:
Name (Printed):	
Title/Organization (If Appropriate):	
Phone Number:	

BLM MANUAL Release No. [Date]

H-2101-5 ENVIRONMENTAL SITE ASSESSMENT REQUIREMENTS **FOR**

DISPOSAL OF REAL PROPERTY

Government Records and Historical Sources Research Sample Format

Government Records and Historical Sources Research

Description of Site:				
1. Environmental Records Reviewed				
Records Reviewed*	Minimum Search Distance from Property Boundary	Agency*	YES	NO
Emergency Response Notification System (ERNS)	On the Property	EPA		
State Superfund as Appropriate	1 Mile	DEQ		
National Priority List (NPL)	1 Mile	EPA		
Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS)	.5 Mile	DEQ		
Treatment, Storage, and Storage Facilities (TSDF)	1 Mile	DEQ		
Resource Conservation and Recovery Act generators (RCRA)	On or adjacent to the property	Internet or DEQ		
Emergency Response Reports (SARA 304)	On or adjacent to the property	DEQ		
Underground Storage Tanks (UST)	On or adjacent to the property	DEQ		
Leaking UST (LUST)	.5 Mile	DEQ		
Landfills and Dumps	.5 Mile	DEQ/BLM/County		
Contaminated Well Records	On or adjacent to the property	DWR/DEQ		

^{*} Records Name and Agency will vary from State to State

BLM MANUAL [Date]

Release No.

H-2101-5 ENVIRONMENTAL SITE ASSESSMENT REQUIREMENTS FOR

DISPOSAL OF REAL PROPERTY

Government Records and Historical Sources Research Sample Format

Government Records and Historical Sources Research

Description of Site:	
2. Historical Sources. At least one historical source dating back to 1940 must be used	
Aerial Photographs to (Describe past uses of the property and adjoining property)	
Recorded Land Title Records:	
Building Department Records:	
Dunung Department Records.	
Zoning/Lane Use Records:	
	_
Other (Describe):	

H-2101-5 ENVIRONMENTAL SITE ASSESSMENT REQUIREMENTS FOR

DISPOSAL OF REAL PROPERTY

Government Records and Historical Sources Research Sample Format

BLM RECORDS REVIEW

Yes	No	Have there been any special use permits, leases, or concessionaire activities including mining, landfills, solid waste transfer facilities, log transfer facilities, small arms ranges, lodges, resorts, campgrounds, or similar activities associate with this property? If yes, comment. Comment:
Yes	No	Have activities on the Property (BLM or other) included any of the following: nurseries; warehouse; vehicle maintenance; mixing of chemicals, paints, pesticides, petroleum products or wastes? If yes, comment.
		Comment:
37	NT.	TT
Yes	No	 Have any of the following conditions been met: Any hazardous substance was stored for one year or more:

BLM MANUAL Release No. ____

U.S. Department of the Interior Bureau of Land Management Eugene District

Phase I Environmental Site Assessment Report Real Property Disposal



James Bean OR55502

December 11, 2003

Prepared By Glen L. Gard Env. Prot. Spec.

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Executive Summary

This real property disposal action is to resolve an occupancy trespass that has occurred at 37070 Smith Creek Road. The tract of land is located in Township 21 South, Range 2 West, Section 1, Government Lot 9, Willamette Meridian, along BLM Road Number 21-2-2, approximately 10 miles east of Cottage Grove, in Lane County, Oregon.

The tract of land is approximately 0.45 acres in size and is located to the north of the property owned by Mr. James Bean. The subject property has a wood structure identified as the workshop, ½ of a garage, and a graveled parking area.

During completion of this Environmental Site Assessment, it was discovered the work shop had been used for the manufacture of illegal drugs in 1991. Lane County Land Management Division issued a letter to Mr. Bean advising him the property was "Unfit for Use". Subsequent research determined the building in question was on lands managed by the BLM and had been used to manufacture illegal drugs. The current landowner stated he had purchased the property without knowledge of the trespass or past use of the building.

The BLM hired a State licensed contractor, First Strike Environmental, to accomplish pre-sampling, decontamination, and post-sampling in the structure in compliance with regulatory requirements. Work was accomplished and the State of Oregon issued a Certificate of Fitness indicating cleanup had been accomplished to State standards. Cleanup has been completed on the subject property.

Disposal of this real property is recommended.

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Introduction

Purpose

The purpose of this Environmental Site Assessment (ESA) for *real property disposal* was to evaluate past and current practices at the site which may have resulted in an environmental impact to the property. An additional purpose of this ESA was to determine if NOTICE as specified in Section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act ((CERCLA 120(h)) and 40 CFR (Code of Federal Regulations) PART 373 would be required.

Use of ASTM Standards

Departmental Manual 602, Chapter 2, requires Bureaus to adapt the AMERICAN SOCIETY FOR TESTING AND MATERIALS (ASTM) Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process E 1527 for acquisition of real property. The Department does not currently provide guidance for completion of a report related to *real property disposal*. However, ASTM E 1527-00 was used as a guideline for the preparation of this ESA with modifications to meet requirements of CERCLA 120(h) and 40 CFR PART 373.

ASTM E 1527-00 provides the following definitions of terms that are used in this ESA:

- 1. recognized environmental conditions: the presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or a material threat of a release of any hazardous substances or petroleum products into structures on the property or into the ground, ground water, or surface water of the property. The term includes hazardous substances or petroleum products even under conditions in compliance with the law. The term is not intended to include de minimis conditions that generally do not present a material risk of harm to public health or the environment and that generally wound not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies. Conditions determined to be de minimis are not recognized environmental conditions. (Reference ASTM E 1527-00 3.3.31)
- 2. historical recognized environmental condition: environmental condition which in the past would have been considered a recognized environmental condition, but which may or may not be considered a recognized environmental condition currently. The final decision rests with the environmental professional and will be influenced by the current impact of the historical recognized environmental condition on the property. If a past release of any hazardous substances or petroleum products has occurred in connection with the property and has been remediated, with such remediation accepted by the responsible regulatory agency (for example, as evidenced by the issuance of a no further action letter or equivalent), this condition shall be considered an historical recognized environmental condition and included in the findings section of the Phase I Environmental Site Assessment report. The environmental professional shall provide an opinion of the current impact on the property of this historical recognized environmental condition in the opinion section of the report. If this historical recognized environmental condition is determined to be a recognized environmental condition at the time the Phase I Environmental Site Assessment is conducted, the condition shall be identified as such and listed in the conclusions section of the report. (Reference ASTM E 1527-00 3.3.16)

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Non-Scope Considerations

This ESA did not address non-scope considerations as discussed in ASTM E 1527-00, Paragraph 12. These limitations included but are not limited to asbestos-containing-materials, radon, drinking water quality, and other similar items.

Limitations

The purpose of a Phase I Environmental Site Assessment is to reasonably evaluate the potential impact of past and current uses of the subject property or adjacent and surrounding property that could impact the subject property. Every effort was made through interviews, records searches, and site reconnaissance to identify concerns associated with this property.

In addition, reliance was placed upon government agency records and employees of government agencies to insure BLM compliance with State and County Laws, Regulations, and Codes.

This report was prepared over a specific period of time. Site conditions may have changed or the current owner may have taken actions at the site after the work was completed.

Hazardous Materials Case File

A Hazardous Materials Case File is maintained as an official file for this site in the Environmental Protection Specialist's locking fireproof safe. Additional information is contained in the Hazardous Materials Case File.

The Name of the file is: James Bean Disposal: Methamphetamine Decontamination of Structure at 37070 Smith Creek OR 55502 and the Subject Code is: 1703 04-01.

Site Description

Location and Legal Description

The subject property is located approximately 10 miles of east of Cottage Grove in Lane County, Oregon. The tract of land is located in Township 21 South, Range 2 West, Section 1, Government Lot 9, Willamette Meridian, along Smith Creek Road, Road Number 21-2-2.

Vicinity and Site Characteristics

The site/subject property is currently a gravel parking lot with a structure and a portion of another structure. The vicinity is primarily forested timber lands with another residence approximately one-half mile to the west. The area is rural in nature with little development. Travel to the site is via a logging road which provides access to private and Federal lands being managed for forest use. A vicinity map is provided as Appendix 1 and a site map is provided as Appendix 2.

Current use of the Property

The subject property and adjacent property was surveyed in 1941. The adjacent property line was surveyed by Weyerhaeuser to establish the cutting line prior to logging. It was discovered that a trespass onto BLM and Weyerhaeuser lands from the property identified as 37070 Smith Creek Road, currently owned by James L. Bean, had occurred.

The subject property is to the north of the property currently owned by Mr. Bean. It has been graveled and is currently being used to store vehicles, off road vehicles, bulky solid wastes, and a variety of other items. At the southeast corner, is a structure identified as a work shop. At the southwest corner, is a structure identified as the garage that is constructed approximately one-half on Mr. Bean's property and one-half on BLM. This area is 0.45 acres in size.

Descriptions of Structures, Roads, Other Improvements on the Site

The road leading to the site is a one lane gravel road/turnouts that has been paved immediately in front of the residence as a dust control measure.

The work shop is a two story wood structure with an attached car port. It is being used for general storage and has a work bench with power tool storage. It has electricity but the sewer line running to the septic tank system has been disconnected. The second floor contains a small room which appears to being used as a bedroom. This structure has been identified as the site of illegal drug manufacturing which will be discussed in subsequent portions of this report.

The garage is a wood frame structure used for vehicle parking and storage.

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The graveled area is irregular in shape. The southern boundary extends east from the logging road 150.38 feet east to a point just east of the work shop. The boundary then extends north 119.02 feet, then 111.26 feet west, back to the logging road, then 176.40 feet south back to the point of beginning. The area is primarily gravel with a small grass edge between the gravel and boundary along portions the east and north boundary. The graveled area is currently being used to store several vehicles, both complete and incomplete, several off road vehicles, a trailer house, aboveground tanks, wood materials, bulky wastes, and other miscellaneous items.

Current Uses of the Adjoining Properties

The area to the west and north is forested and managed by the BLM. The area to the south is owned by Mr. Bean and includes a manufactured home, lawns, and another graveled driveway. The area to the east is on land managed by the BLM and there has been surface disturbance to include work in and along Smith Creek. A pond has been constructed to the south east which is on Weyerhaeuser land. Overall, lands in the surrounding area are being used for timber management.

Records Review

Standard Environmental Record Sources

The subject property is located approximately 10 miles east of Cottage Grove in a rural/forested area. Records in this area extremely limited. For example, the are no National Priorities List (NPL), Oregon Confirmed Release List Sites, underground storage tanks/leaking underground storage tanks, or similar records that identify any sites of concern within the minimum search distances that could affect the subject property. In additional, there were no landfill/dumps or solid waste transfer stations identified that would affect the subject property.

Additional Environmental Record Sources

The following report was also reviewed: Methamphetamine Lab/Address Tracking Report (Updated 3/18/03) for Lane County. This report lists vehicles, RVS and trailers, and land and residential sites in Lane County that have been utilized for the manufacture of methamphetamine where a law enforcement investigation has been conducted. This list has been developed by the Oregon Department of Human Services (DHS) who administer the program on a state wide basis. In Lane County, compliance is administered by the Lane County Land Management Division. The report reviewed is for Lane County only and included the following site:

37070 Smith Creek Road, Cottage Grove, with a notification date of 03/13/91 and a notation it was taken from ODH Unfit for Use List 3/21/01.

This is the address of James L. Bean Property. The significance of this listing will be addressed in the Historical Recognized Environmental Conditions section of this report.

Historical Use Information on the Property

On November 5, 2003, an attempt was made to review the records related to the demolition and removal of the original house, placement of the existing manufactured home, and construction of the existing garage on the property which appears to have taken place in 1995. These records are in the custody of Lane County Department of Public Works, Land Management Division, in Eugene, Oregon. Lane County was unable to locate these records and therefore they were not reviewed. Refer to the interview with Don Ward, Compliance Officer, dated November 5, 2003, in the Interview Section of this Report. Additional information related to improvements are provided in the interview with James Bean, dated August 21, 2003, also in the Interview Section of this report.

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Aerial Photographs

Aerial photographs were examined to assist in determining past and current uses of the property. To assist in the interpretation, all the photos show two driveways, one to the south and one to the north. The **south driveway** is still present and provided the main access to the original house which is no longer on the property. The **north driveway** provides the main access to the current manufactured home, garage, workshop, and the graveled parking area, currently in trespass. Aerial photographs are provided as Appendix 3.

- 1969 South Driveway is in and house is present. Land has been cleared to the north.
- 1979 South Driveway provides access to the large house. There is also a small structure at the end of the driveway south of the house. North Driveway, the work shop is present. There is a path leading from the house to the work shop. Another structure is present north of the work shop. There are lawns between the house and work shop.
- 1984 No change.
- 1990 South Driveway, very little change. Trees have grown closer to house from Smith Creek. North Driveway, work shop still present. Structure identified in 79 photo is gone but another closer to work shop has appeared. Cleared area has expended to north. The lawns identified on the 1979 photo are not as defined as grass and may be more field like.
- 1995 The house accessed by the south driveway is gone and there is nothing in its place. Other structures in this area are also gone. The tree line extending from Smith Creek to the edge of the cleared property is the same as the 1990 photo. At the north driveway, the work shop is still present. All other structures have been removed. The driveway leads directly to the work shop and the cleared area appears to be returning to vegetation. The field areas that were previously lawns have been moved.
- 2000 The photo was taken on May 21, 2000 and shows a manufactured home present at the approximate location of the old house which was present on the 1990 photo but missing on the 1995 photo. The south driveway is still present but has been widened and a structure is visible at the east end of the driveway.

The row of trees between Smith Creek and the cleared area has been removed. A pond has been constructed adjacent to Smith Creek, east of the manufactured home, and southeast of the work shop.

The north drive has been expanded into a gravel area extending to the north with objects in place on the gravel. The work shop is still present. A row of trees remains just east of the work shop, but vegetation has been removed adjacent to Smith Creek. A garage has been constructed with access from the north driveway. Most of the cleared area is grass lawns and well maintained.

Illustration 8, Page 10

Physical Setting Sources

The physical setting was not a concern for this disposal action. A Phase I Environmental Site Assessment for this disposal action was required because of the past use of the work shop for the manufacture of illegal drugs.

The four pathways for contamination include soil contact, surface water, groundwater, and air. No evidence was identified during this assessment that indicated a release or disposal of hazardous substances or petroleum products had occurred on the subject property. Since there was no evidence of a release or disposal occurring on the subject property, the pathways were not reviewed.

Interviews

Objective

The objective of interviews is to obtain information indicating recognized environmental conditions related to the subject property. In order to accomplish that objective, this portion of the report will discuss interviews, E Mail correspondence, and other forms of communication related to the subject property.

E Mail from Cheryl Adcock (BLM Realty Specialist) to Wes Seckler (Ranger) dated 03/27/03

Cheryl Adcock stated that while visiting Mr. Bean at the site with Kent Tressider (Appraiser), Mr. Bean provided her with a letter from Lane County advising the property was "Unfit for Use" due to past illegal drug manufacturing that took place in one of the buildings on the property. The letter was signed by Don Ward/Compliance Officer Lane County Public Works Department.

Don Ward was contacted by Cheryl Adcock. According to the information in the E Mail, Don Ward stated the date of the meth manufacturing was 3-13-1991, but he did not know which building was involved and that information would have to come from police records, i.e. INET.

Cheryl Adcock requested Wes Seckler followup with INET to determine which building was contaminated.

Site Visit 04-02-03

Wes Seckler and Glen Gard (Hazardous Materials Coordinator) met with Dean Finnerty, Cottage Grove Police Department at 37070 Smith Creek Road. Officer Finnerty was present at the property when the arrest and investigation took place in 1991. He identified the existing older structure located on the BLM as the building where the meth cooking took place. Officer Finnerty stated they were not actually cooking at the time of the bust, but drugs were present both inside and outside the structure. He could not remember the type or quantity of drugs seized.

The structure identified as being used for cooking was located on the BLM and identified on the site maps as the workshop.

Telephone Interview on 4-15-03: Glen Gard with Don Ward

Don Ward stated INET deems the property is contaminated and sends the address to him and he does the follow-up. He had no information about the chemicals at the site. He agreed to provide, via E Mail, a listing of known sites in Lane County.

Telephone Interview on 4-15-03: Glen Gard with Tom Mitchell/Oregon Health Division Clandestine **Drug Lab Cleanup Program**

Tom Mitchell had a 3-page report which listed the chemicals and locations where they were located. He agreed to FAX the report.

The Oregon State Police Report included the following information:

- A. Lab located in single family home/living area
- B. Stored lab chemicals in sealed containers
- C. All chemicals were liquid and included the following:

Methylamine - 1 gallon

Hydrochloric Acid - 2 pints

Methamphetamine Sludge - 1 quart

Chloroform - 1 quart

Acetone - 1 pint

Iosphophol Alcohol - 2 ½ gallons

D. Acetone, alcohol, and meth sludge found inside the structure, the remainder approximately 100 yards south of the structure.

Contact With First Strike Environmental - Initial Contact was May 12, 2003

First Strike Environmental (First Strike), a contractor on the Oregon Department of Health Services list of Licensed Contractors for performing drug lab decontamination, was contacted to discuss requirements at this site. Documentation related to that effort is provided in Historical Recognized Environmental Conditions Section of this Report.

However, First Strike performed work at the site as follows:

E. 5/29/03 **Initial Site Evaluation**

Sampling From Inside the Structure A. 5/29/03

Site Decontamination B. 9/15/03

C. 9/15/03 Post Sampling

Telephone Interview on 8-12-03: Glen Gard with Tom Mitchell/Oregon Health Division Clandestine **Drug Lab Cleanup Program**

We discussed the cleanup standards as samples taken 5/29/03 narrowly exceeded the cleanup standards for lead. Tom Mitchell stated the State would require cleanup and would not grant any variations to the standards as there was no guarantee that the structure would not be used/occupied by children in the future. He further stated the written reports from the contractors are reviewed without written comments. Because of their small staff, the only written response would be the final acceptance of work completed.

In Person Interview on 8-21-03 at the site: Glen Gard with James Bean

Mr. Bean had a partial file with documents related to past work at the site.

Permit No. 1063-95 permitted the placement of the manufactured home that is currently in place. It also required the existing (old) septic tank be pumped and filled with sand and a new septic tank be installed.

Demolition Permit 732-95 provided for the demolition of the existing single family structure. Mr. Bean's file contained a photograph of the old house which was in poor condition. That house is now gone and the manufactured home is in the same location.

He further stated the flood of 95-96 washed out the sewer line from the workshop (structure where the meth lab was located) and the sewer line is not connected to the septic tank.

In Person Interview on 11-05 at Lane County: Glen Gard with Don Ward, Compliance Officer with the Lane County Department of Public Works, Land Management Division

Lane County Staff and Don Ward were unable to locate Permit 1063-95 or Demo Permit 732-95. Mr. Ward was unable to locate these files but we discussed the site. He stated he was not pursuing the enforcement action as he knew the BLM was proceeding with the cleanup. I explained we had completed all work at the site and were waiting for the Certificate of Fitness from the Oregon Department of Health Services

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Site Reconnaissance

Because of the complexity of this site, multiple site visits were made. The property to be conveyed includes the following:

- existing two story wood frame wood structure identified as the workshop with an attached car port. The structure has electricity and water but does not have sewer. This structure is in trespass and will be conveyed as part of this disposal action.
- Approximately half of a two-car garage is on the property. The garage is being used for vehicle parking and storage of standard items found in most garages.
- The bulk of the property included in the disposal is a gravel parking lot. The area adjacent to the work shop and garage is basically open area. The area to the north and west of the two structures is being used for vehicle parking, vehicle storage, solid waste piles, and a collection of miscellaneous items including ATVs, heavy equipment, lumber, above ground storage tanks, small trailer house, and propane cylinders.

Because of the type of items currently stored on the gravel area, the area was inspected for evidence of petroleum contamination. There was no sheen on any of the standing water puddles on the site. In addition, only very small areas of potential petroleum staining were identified on the gravel. By definition, the stained areas would be considered de minimis quantities. However, a detailed inspection of the graveled area was not conducted due to the number and type of vehicles stored on the property and other items which could have obscured contamination present on the gravel.

The adjacent property to the northwest includes lawn on the BLM and Smith Creek. This area has been cleared with equipment and includes a small pond located on Weyerhaeuser. There is also surface disturbance between the work shop and Smith Creek on BLM which is not being conveyed as part of this disposal action. The surrounding area is used primarily as rural and timber lands.

Site photographs are provided in Appendix 4.

Historical Recognized Environmental Conditions

Regulatory Requirements

The State of Oregon has promulgated laws and rules related to the decontamination of illegal drug manufacturing sites. The Statutory Authority is contained in **Oregon Revised Statues (ORS) 453.864** and rules are contained in **Oregon Administrative Rules (OAR) Division 40 DECONTAMINATION OF ILLEGAL DRUG MANUFACTURING SITES**. The Health Department of the Department of Human Services is charged with the enforcement of the ORS and OAR related to these requirements.

The process begins with a determination that a property is unfit for use and applies to any property that is known to have been used as an illegal drug manufacturing site, or for which there are reasonable grounds to believe that the property has been used as an illegal drug manufacturing site. An Unfit for Use Listing is maintained by the State Department of Consumer and Business Services-Building Codes Division. Generally, sites are placed on this listing as a result of a police action and subsequent reporting to the Department.

The owner of property determined to be unfit shall:

- A. Prevent by reasonable means the entry, occupancy, or use whatsoever by anyone of the property in question until the property has been issued a Certificate of Fitness.
- B. Retain a contractor licensed by the State to supervise the decontamination effort, including:
 - performing a site assessment
 - supervising site sampling by an independent third party
 - submitting a work plan for approval
 - decontaminating the property/supervising site confirmation sampling by an independent third party
 - submit final report for approval and request Certificate of Fitness

Decontamination and Issuance of the Certificate of Fitness

The Department of Human Services provides a list of contractors licensed to perform decontamination work. The list dated February 4, 2003 was consulted to determine which potential contractors where available in the local area. First Strike Environmental Company appeared on the list and had been used for environmental cleanup in the past and was determined to be an appropriate contact.

First Strike Environmental was contacted by Glen Gard on May 12/13, 2003 to discuss decontamination of the site. Mr. Jim Roles, Project Manager, became the contact for completion of the work. Information included the data from the Unfit for Use Letter, location, and types of chemicals found at the site. Mr. Roles stated he would contact the State and obtain the list, determine requirements, and submit a cost proposal for doing the sampling.

On Monday, May 19, 2003, Jim Roles, Cheryl Adcock, and Glen Gard met Margo Bean at the site and the structure was examined to determine requirements and assist Jim Roles in preparation of a cost estimate.

First Strike submitted a Cost Estimate Proposal, TASK I - Initial Site Evaluation and Pre-Sampling, dated May 21, 2003 for Total Cost Estimate of \$1,800. The Proposal was accepted on May 22, 2003.

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On Thursday, May 29, 2003, Jim Roles, Doug Jett/independent sampler, and Glen Gard went to the Bean property. Samples were taken from the workbench, floor, walls, upstairs floor, and from soil in the carport. Samples were tested for lead and mercury.

The Site Evaluation and Pre-Sampling Report was received at the Eugene District Office on Jun 26, 2003 and is provided as Appendix 5. The sample results were as follows:

			Lead	Mercury	
Sample ID	Sample Collection Area		Cleanup		Cleanup
		Results	Standards ug/sq	Results	Standards
		ug/sq ft	ft	ug/sq ft	ug/sq ft
A-1	Main Floor: Floor Area	15.8	>10.0	< 0.005	>0.05
B-1	First Floor: Bench and Wall	21.2	>10.0	< 0.005	>0.05
C-1	Second Floor: Floor	2.6	>10.0	< 0.005	>0.05

Pre-sampling laboratory analysis results indicated that lead contamination exceeded DHS acceptable levels at Sample A-1 and B-1 shown in bold and enlarged on the above table.

On 6-30-03, Jim Roles and Glen Gard discussed the report. Mr. Roles had submitted the report to the Department of Human Services (DHS) with a recommendation the site be closed without decontamination or additional sampling as the elevated levels of lead could be from past uses not drug lab related. He stated he had contacted Tom Mitchell/DHS to determine if the recommendation would be accepted.

On 8-12-03, Jim Roles advised Glen Gard that Mr. Mitchell would not accept the recommendation and decontamination and additional sampling would be required. Mr. Roles stated the following work would be needed:

- A. Personal items be removed from the structure.
- B. First Strike employees complete decontamination by washing inside of structure.
- C. Take confirmation samples.
- D. Submit written report to DHS and submit written request for Certificate for Fitness.

On 8-14-03, Jim Roles and Glen Gard discussed the Cost Estimate Proposal for the remaining work. It was determined the Proposal would be as follows:

- TASK II Written Work Plan and Decontamination
- TASK III Post Sampling, DHS Program Fees, Closure Report, and Request for Certificate of Fitness

On 8-15-03, the Cost Estimate Proposal was received and approved by BLM. Costs were as follows:

TASK II - \$2,000 TASK III - \$2,300

On 8-18-03, Jim Roles advised Glen Gard that Tom Mitchell wanted the septic tank pumped and a receipt showing the work had been completed. The septic tank was discussed with Mr. Bean on 8-21-03 who produced evidence the original septic tank had been pumped and filled with sand.

First Strike submitted the Proposed Decontamination and Post-Sampling Plan, provided as Appendix 6, to the DHS with a copy to the BLM. First Strike also submitted Amendment No. 1, provided as Appendix 7, and Amendment No. 2, provided as Appendix 8, to the report, copies also provided to the BLM.

On 8-26-03, Glen Gard advised Jim Roles the old septic tank had already been pumped and filled with sand. Mr. Roles stated he would contact Tom Mitchell who agreed the septic tank would not have to be pumped. During this telephone interview, Mr. Roles also provided the following information:

- Based on experience, the rinsate from the decontamination would not be hazardous waste.
- He would schedule the decontamination and post sampling as quickly as possible.

On 9-15-03, First Strike completed the decontamination and post sampling work at the site. Post sampling indicated contamination levels were below DHS acceptable limits. First Strike submitted a written report, Request for Site Closure and Certificate of Fitness, provided as Appendix 9, to DHS dated October 15, 2003.

On 11-17-03, the Certificate of Fitness from DHS, provided as Appendix 10, was received at the BLM Office.

On 11-24-03, the Notification of REMOVAL FROM DRUG LAB LIST from Oregon Department of Consumer and Business Services/Building Codes Division, provided as Appendix 11, was received at the BLM Office.

CERCLA 120(h)/40 CFR PART 373 Requirements for Notice

NOTICE related to hazardous substances and petroleum products may be required to be made to the conveyee in the conveyance document, pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) 120(h) and 40 CFR PART 373, whenever any agency of the United States enters into a contract for the sale or other transfer of real property.

NOTICE is required when any of the following conditions are met:

- A. Any hazardous substance was stored for one year or more:
 - 1. In quantities greater than or equal to 1000 kilograms (2205 pounds) or the hazardous substances reportable quantity (RQ) found at 40 CFR 302.4, whichever is greater.
 - 2. Hazardous substances that are also listed under 40 CFR 261.30 as acutely hazardous wastes when stored in quantities equal to or exceeding 1 kilogram (2.2 pounds).
- B. There was known to have been a release of hazardous substances in quantities equal to or exceeding substances reportable quantity (RQ) found at 40 CFR 302.4.
- C. There was known to have been a disposal of any hazardous substance, regardless of quantity, on the property.

An analysis of the chemicals identified in the police report and **NOTICE** requirements are summarized as follows:

CHEMICALS - NOTICE							
Chemical			Stored				NOTICE
Name	Amt	Location	40 CFR 302.4 RQ	40 CFR 261.302 >2.2 lbs	Released	Disposal	Required
Methamphetamine Sludge	1 qt	Structure	Not on List	Not on List	No	No	NO
Acetone	1 pt	Structure	5,000 lbs	Not on List	No	No	NO
Iosphophol Alcohol	2 ½ g	Structure	Not on List	Not on List	No	No	NO
Methylamine	1 g	Woods	N/A	N/A	N/A	N/A	N/A
Hydrochloric Acid	2 pts	Woods	N/A	N/A	N/A	N/A	N/A
Chloroform	1 qt	Woods	N/A	N/A	N/A	N/A	N/A

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Based on review of records and interviews, it does not appear that **NOTICE** as described in CERCLA 120(h) and 40 CFR PART 373 is required in the conveyance document for this real property disposal.

The chemicals identified as located in the woods were approximately 100 yards to the south of the structure. This is on property not to be conveyed. In addition, the police report identifies the containers as being sealed with no evidence of contamination. Although a possibility, there is no evidence to indicate a release as a result of these chemicals being present. Again, it is important to recognize that this disposal action is not affected by the presence of these chemicals.

The chemicals identified as being in the structure are of concern, as follows:

- <u>Methamphetamine Sludge</u>: This chemical does not appear on 302.4 or 261.30. Therefore <u>NOTICE for storage</u>, release, or disposal is not required.
- <u>Acetone</u>: The reportable quantity for acetone is 5,000 pounds. Therefore, NOTICE for Storage and Release is not required as there was only 1 pint at the structure. NOTICE for disposal is not required as there is no evidence that acetone was disposed of in or around the structure as the police report indicates the container was sealed and there was no evidence of contamination.
- Iosphophol Alcohol: This chemical does not appear on 302.4 or 261.30. Therefore <u>NOTICE for storage</u>, release, or disposal is not required.

Findings

Based on records search, interviews, site reconnaissance, and other efforts related to the subject property, findings are as follows:

- A. Recognized environmental conditions: None identified.
- B. Historical recognized environmental conditions: Use of structure identified as the work shop was the site of a illegal drug manufacturing in 1991. The structure was subsequently decontaminated by a licensed contractor and a "Certificate of Fitness" obtained from the State of Oregon Department of Health Services.
- C. De minimis conditions: None identified.
- D. Other conditions: The graveled area is currently used for storage of a wide variety of vehicles, equipment, ATVs, storage tanks, solid wastes and other materials. At the time of site inspections, there were no environmental concerns identified on the subject property.

Opinions

It is the opinion of the preparer of this report that the only concern associated with the subject property is the historical recognized environmental condition associated with the use of the work shop as the site of illegal drug manufacturing.

Pre-sampling, decontamination, and post-sampling of the structure was accomplished by a licensed contractor and a Certificate of Fitness has been obtained. Levels of lead contamination were only slightly elevated above the Department of Health Services (DHS) acceptable levels. Decontamination was accomplished and post-sampling indicated the lead contamination had been removed to levels found acceptable by DHS.

The State of Oregon DHS has recognized the decontamination effort as successful as evidenced by the issuance of a Certificate of Fitness. The Certificate of Fitness states (in part):

Based on the information submitted, the decontamination requirements of the Department of Human Services have been met and this property is now considered fit for use.

Therefore, the past illegal drug manufacturing should not result in an impact to human health or the environment.

Conclusions

The only concern associated with the subject property is the historical recognized environmental condition associated with the use of the work shop as the site of illegal drug manufacturing.

Pre-sampling, decontamination, and post-sampling of the structure was accomplished by a licensed contractor and a Certificate of Fitness has been obtained.

American Society for Testing and Materials (ASTM) Statement

"We have performed a Phase I Environmental Site Assessment in conformance with the scope and limitations of ASTM Practice E 1527 of Township 21 South, Range 2 West, Section 1, Government Lot 9, Willamette Meridian. Any exceptions to, or deletions from, this practice are described in Section [NONE] of this report. This assessment has revealed no evidence of recognized environmental conditions in connection with this property."

References

ASTM Standard 1527-00 Oregon Revised Statutes 453.864 Oregon Administrative Rules Division 40 Lane County Code - Administrative Enforcement Comprehensive Environmental Response, Compensation, and Liability Act; Section 120(h) **40 CFR PART 373**

BLM Manual Handbook H-2101-4 Preacquisition Environmental Site Assessments BLM Manual Handbook H-2101-5 Environmental Site Assessments for Disposal of Real Property Hazardous Material Case File 1703 04-01

Qualifications of Report Preparer

- Certificate in Hazardous Materials Management from BLM National Training Center
- Environmental Site Assessment Training from Government Institutes
- Committee Member for Development of BLM Manual Handbooks for Real Property Acquisition and Disposal
- Instructor: First Responder Awareness Training, Environmental Site Assessments, and other related
- Completion of numerous Environmental Site Assessments and contractor oversight on Phase II Site Investigations and Phase III Cleanups on lands acquired by the BLM after completion of work.

Recommendation

No evidence of hazardous substances, petroleum products, or recognized environmental conditions and/or CERCLA 120(h) concerns were identified on this property; except for:

Historical recognized environmental condition associated with illegal drug manufacturing in the work shop on the subject property, which has been mitigated.

No further inquiry is needed for purposes of appropriate inquiry; therefore: Disposal of this real property is recommended.

Approvais		
Prepared By		
Name:	Date:	
Signature: Title: Environmental Protection Speciali		
Recommended By		
Name:	Date:	
Signature:	Title: Field Manager - Upper Willamette	
Approved By		
Name:	Date:	
Signature:	Title: District Manger	
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Acutely Hazardous Waste – Hazardous Wastes from nonspecific sources (F Listed Wastes) identified at 40 CFR 260.30 at 261.30 as Acute Hazardous Waste (H Code).

ASTM – The American Society for Testing and Materials is a private, not-for-profit, standards-writing organization chartered with development and publication of specifications, tests, and practices concerning engineering materials, manufacturing products, and the environment.

Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) – Enacted in 1980, established broad Federal authority to respond to releases or threats of releases of hazardous substances.

Clean Water Act (CWA) – Originally enacted in 1948 and significantly amended in 1972, 1977, and 1987, the CWA provides regulatory requirements for water pollution control and water quality management in the United States.

Community Environmental Response Facilitation Act (CERFA) – A 1992 amendment to CERCLA dealing with identification of uncontaminated Federal lands and provisions for documentation to purchasers that the property is free of hazardous substance and petroleum product contamination.

Conveyee – The party who receives title to lands conveyed by the BLM as part of the real property disposal process.

Contaminant Survey Questionnaire – A questionnaire that may be sent to the current landowner, or is the basis for asking questions during interviews. It is a modified form of the transaction screen described in ASTM Standard E-1528 and is intended to be used as described in the standard.

De Minimis Quantities – Conditions that do not present a material risk of harm to public health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate government agencies.

Disclosure – Information provided by the BLM to the conveyee pertaining to past and current uses of the property to be conveyed relating to petroleum products, solid wastes, physical hazards or other concerns, which could affect the use of the property, that is not required under the provisions of CERCLA 120 (h) (see Notice) or other regulatory requirements.

Due Diligence – Comes from judicial law and establishes the standard for ESAs under the innocent landowner defense as acquiring and analyzing all reasonable ascertainable records related to or that may affect a site. It is the process of inquiring into the environmental characteristics of a parcel of real estate. The degree and level of effort vary for different properties and differing purposes.

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Environmental Assessment – A determination of the environmental conditions, including the absence or presence of hazardous materials, hazardous substances, or petroleum product contamination on real property being considered for disposal. See Environmental Site Assessment and Preacquisition Environmental Site Assessment.

Environmental Protection Agency (EPA) – The Federal Agency responsible for enforcement of Federal Environmental Protection laws and regulations. Each State has a corresponding regulatory agency.

Environmental Site Assessment – See Preacquisition Environmental Site Assessment

Hazardous Substance – As defined in Section 101(14) of CERCLA, any substance listed as a hazardous substance in various laws including CERCLA, CWA, RCRA, CAA, and TSCA.

Hazardous Substance and Release – As defined in 602 DM 2, as all CERCLA listed substances, petroleum products, nuclear source materials, and unexploded ordnance. A release means any unauthorized discharge of a hazardous substance into the environment.

Historical Sources – Sources that provide information about past uses of the site. Sources generally include aerial photographs, property tax files, recorded land title records, and similar records/sources.

Indemnification Language – A written promise by one party that it will not hold another party liable. The language is not a viable option unless the guarantor has the financial resources to back up the language.

Landfill Transfer Audit – The investigative report required by BLM Handbook H-2740-1 - Recreation and Public Purposes to determine if landfills and other uses could result in potential liability to the United States related to the disposal, placement, or release of a hazardous substance prior to issuing a patent to the lessee.

Leaking Underground Storage Tank (LUST) – Underground storage tanks containing petroleum products and or hazardous substances that have a confirmed release of product into the environment. See Underground Storage Tank (UST).

Liability (CERCLA) – One of CERCLA's most significant provisions is the institution of strict, joint, several, and retroactive liability for cleanup of a contaminated site. The process is intended to hold financially liable for site cleanup all parties who contributed (even to a very small degree) to contamination of a property.

Strict Liability: Allows a property owner to be held liable even though the property owner was not negligent.

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Joint and Several Liability: Provides that one or several parties may be held responsible for cleanup. Commonly called "deep pockets", an agency or other responsible party may be required to pay more than their "fair share" simply because they have the means to pay the costs.

Retroactive Liability: Provides that a party or parties may be held liable for the cleanup of contamination that occurred before the enactment of current legislation.

National Contingency Plan (NCP) – The Federal regulation that guides determinations of the sites to be corrected under the Superfund program, and the program to prevent or control spills into surface waters or other portions of the environment.

National Response Center – The Federal operations center that receives notifications of all releases of oil and hazardous substances into the environment. The Center, open 24 hours a day, is operated by the U. S. Coast Guard who evaluate all reports and notify the appropriate agencies. Most States have an equivalent organization who receives the same report.

Notice – CECRLA stipulation that requires an agency of the United States to provide information about past and current uses of property relating to hazardous substances and petroleum products to the party who receives title to the property. (See Disclosure)

Notification (Release Reporting) – A report of a pollution incident to the National Response Center and equivalent State Agency. See also National Response Center and Release.

National Technical Sciences Center (NTSC) – a BLM organization located in Denver, Colorado that provides direct and contracted service in Hazardous Materials site evaluation, risk assessment, facility audits, cost recovery/potentially responsible party searches, and natural resource damage assessment and restoration services to field offices

Oil Pollution Act of 1990 (OPA) – The OPA was the initial congressional response to the Exxon Valdez oil spill of March, 1989. The purpose of the Act was to ensure that future oil spills are minimized, that effective responses are made to those that do occur, and that those responsible pay for the damage and are subject to severe penalties.

Pathways – Medium through which hazardous substances and/or petroleum products move through the environment. The four pathways are generally soil (direct contact), surface water, groundwater, and air. The term *fate and transport* is also used, which refers to how the materials are affected as they move through the environment. The pathways of most concern during the ESA are soil and groundwater. See also Targets.

Pest – An insect, rodent, nematode, fungus, weed, or other form of terrestrial or aquatic plant or animal life or virus, bacterial or microorganism that is injurious to health or the environment.

Pesticide – Any substance, organic or inorganic, used to destroy or inhibit the action of plant or animal pests; thus the term includes insecticides, herbicides, rodenticides, miticides, etc.

Petroleum Product Contamination – Includes any petroleum product or its derivatives, including oil and aviation fuels.

Potentially Responsible Party (PRP) – A CERCLA concept that includes extensive provisions to identify parties responsible for site contamination. Through these provisions, efforts are made to establish who is responsible for payment of costs related to the cleanup of a site.

Preacquisition Environmental Site Assessment (ESA) – As defined in 602 DM 2, an environmental site assessment, prior to acquisition, to determine the potential of and extent of liability for hazardous substances or other environmental remediation injury. This includes, but is not limited to, a determination of the absence or presence of hazardous substances or conditions that indicate an existing or past release, or a material threat of a release on the real property, into the air, soil, sediment, groundwater, surface water, or any structures located on the real property.

BLM has adapted the ASTM standards to develop a process that includes up to five levels of effort associated with the process.

Resource Conservation and Recovery Act (RCRA) – The Solid Waste Disposal Act, which was amended in 1976, becoming RCRA. This Act regulates solid waste, a subset of which is hazardous waste. The RCRA regulations seek to manage hazardous wastes from "Cradle to Grave", that is, from point of generation to ultimate disposal.

Real Property – Any land or an interest therein, and all buildings, structures, and improvements affixed to the land acquired by the BLM unless determined, with concurrence of the Office of the Solicitor, that no environmental liability will attach to such interest.

Real Property Acquisition – Real property obtained either through discretionary acts or when acquired by law, whether by way of condemnation, donation, escheat, right-of-entry, escrow, exchange, lapses, purchase, or transfer and that will be under the jurisdiction or control of the United States for any period of time, however short.

Real Property Disposal – The sale, transfer, exchange, partition, patent, lease, permit, withdrawal, removal of restrictions or trust status, or mortgage in which the United States conveys or otherwise disposes of any real property or interest therein. This includes transfer of real property between Departmental bureaus and other Departments and agencies of the United States.

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Recognized Environmental Condition (REC) – The presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or a material threat of a release of any hazardous substances or petroleum products into structures on the property or into the ground, groundwater, or surface water of the property. The term includes hazardous substances or petroleum products even under conditions in compliance with laws. The term is not intended to include conditions that generally do not present a material risk of harm to public health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies.

Records Review – The review of records that will help identify recognized environmental conditions in association with the property. These records may be located at Federal, State, and local jurisdictions. Examples include National Priority listed sites, State listed sites, underground storage tanks, leaking underground storage tanks, BLM Historical Indices, and any other records that might indicate potential problems on a parcel of property.

Release – As defined in 40 CFR 300 and CERCLA Section 101(22). Includes any "spilling, leaking, discharging, injecting, pumping, pouring, emitting, escaping, leaching, dumping, or disposing into the environment, including abandoning or discarding barrels, containers, and any other closed receptacles containing any hazardous substance or pollutant or contaminant."

Response Actions Under CERCLA – CERCLA includes two basic types of response actions:

Removal action is an immediate action taken over the short-term to address a release or threatened release of a hazardous substance or petroleum product.

Remedial action selects remedies that are protective of human health and the environment, that maintain protection over time and minimize untreated wastes. A remedial action takes a longer time to implement than a removal action.

Superfund Amendments and Reauthorization Act (SARA) – 1986 Amendment to CERCLA that required the establishment of State Emergency Response Commissions and emergency planning districts, development of local emergency response plans, reporting of hazardous chemical inventories, and completion of toxic chemical release reports.

Site Reconnaissance – The process for physically observing a parcel, adjacent property, and the surrounding area to obtain information indicating the likelihood of identifying recognized environmental conditions in connection with the property.

Site Visit – The process for physically observing the parcel to obtain information indicating the likelihood of identifying recognized environmental conditions in connection with the property.

Statement of Work – The SOW is a step in the BLM contracting process that is a clear statement of the work required to be completed during the contract. It becomes the basis for developing the government cost estimate.

Targets – A physical or environmental receptor that can be affected by a contaminant moving through a pathway. Targets include population, drinking water supplies, environmental resource, and similar items. See also Pathways.

Termination of Federal Government Operations (TFGO) – Involves facilities owned or operated by the Federal Government and could include such operations as developed administrative sites, work centers, nurseries, airfields, and similar operations.

Underground Storage Tank – A tank is located all or partially underground that is regulated because it contains petroleum products or hazardous substances. See Leaking Underground Storage Tank (LUST).

- Part 602 DM 2, PUBLIC LANDS; Land Acquisition, Exchange and Disposal; Real Property Pre-Acquisition Environmental Site Assessments; RELEASE NUMBER 3047; Dated Sep 29, 1995
- AMERICAN SOCIETY FOR TESTING AND MATERIALS, Designation E 1527; Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process
- AMERICAN SOCIETY FOR TESTING AND MATERIALS, Designation E 1528; Standard Practice for Environmental Site Assessments: Transaction Screen Process
- AMERICAN SOCIETY FOR TESTING AND MATERIALS, Designation E 1903; Standard Guide for Environmental Site Assessments: Phase II Environmental Site Assessment Process
- Federal Toxics Program Commentary, Specialty Technical Publishers, Inc., 267 West Esplanade, Suite 306, North Vancouver, B.C. CANADA V7M 1A5
- Forest Service Guide to Land Transactions, EM-2160-2, September 1999
- Site Auditing: Environmental Assessment of Property, Specialty Technical Publishers, Inc., 267 West Esplanade, Suite 306, North Vancouver, B.C. CANADA V7M 1A5
- Title 40, CODE OF FEDERAL REGULATIONS, Part 300: National Oil and Hazardous Substances Pollution Contingency Plan
- EPA SW-846 (Solid Waste) Environmental Analytical Methods

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